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THE ELISHA BOUDINOT HOUSE NEWARK, NEW JERSEY

By Helen Dean Dennis
Newark

In the years just preceding the Revolutionary War there was in New Jersey on the banks of the Passaick River a pleasant little town called Newark. To quote from a Frenchman who visited there about that time "It is one of the finest villages in America. It consists of one very long and very broad street, the sides of which are planted with rows of trees, and which is composed of many handsome houses. They are all of brick or wood, and every one of them has behind it a neat garden."[1]
Newark Evening News, Saturday, May 29, 1926.

Of course that street was Broad Street and the life of the town centered about the Town Commons. Military Park was the Lower Common and Washington Park was the Upper Common and Market Square, while north of Clay Street was open country. Broad Street extended south as far as Lincoln Park, which was then just marsh land, and the houses south of Market Street were very scattered. Many of the "handsome houses" that the visiting Frenchman referred to were on the east side of the Lower Common, now Park Place. Here Judge Elisha Boudinot lived. We do not know what his original house was like, but it undoubtedly was of the simple one-and-one-half story type, like most of the early houses in Newark. The Boudinot property extended to the banks of the Passaick River.

[1]Military Park, a Loom on Which City's History Has Been Woven. Newark Evening News, Saturday, May 29, 1926.

Elisha Boudinot[2] was born in Philadelphia in 1749, but lived in Newark for many years. His more famous brother, Elias, lived in Elizabeth Town, N. J. Elisha was one of the leading citizens of Newark and was respected and loved by all of his townsmen. In 1775, during the serious year before the Revolution, Newark formed a General Committee, the members of which were firm patriots, and Elisha Boudinot was made Clerk of that Committee. In 1778 he became Secretary of the Council of Safety. He was Commissary of Prisoners for the State in 1778.[3] He served as Associate Judge of the New Jersey Supreme Court from 1798 for nearly seven years. He was a Trustee of the College of New Jersey and President of Newark's first bank, the Newark Banking and Insurance Co., now the National Newark and Essex Banking Co., which was on Bank Street, then known as Maiden Lane. The Newark Academy, situated on the south side of Washington Park, was burned when the British occupied Newark in 1780. In 1792 the cornerstone was laid for the new Academy building on the corner of Broad and Academy Streets. Funds for the new Academy were raised by a lottery and Elisha Boudinot and Abraham Ogden were a committee which petitioned the State Legislature to grant that lottery.

Mrs. Boudinot[4] graced her position as the wife of one of

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[2]His father was Elias Boudinot, born August 8, 1706, died July 4, 1770. His mother was Caterine Williams of Antigua, B. W. I., the daughter of Arthur Williams, a Welsh planter who settled there. The marriage took place in Antigua. They had six children who survived infancy, as follows:

1. John—b. Jan. 10, 1734. m. Catherine Van Norden.
2. Annis—b. July 1, 1736. m. Richard Stockton.
3. Elias—b. Ap. 21, 1740. d. 1821. m. Hannah Stockton.
4. Mary—b. Nov. 7, 1842. m. Abner Hetfield.
5. Elisha—b. Jan. 2, 1949. d. Oct. 17, 1819. m. 1st Catherine Smith, dau. of Wm. Peartree Smith of Elizabeth, Nov. 14, 1778. She was b. 1750. d. 1797. 2nd Rachel Bradford in 1798. She died 1804. 3rd Catherine Beekman of New York—Dec. 18, 1805.
6. Lewis Carree—b. Sept. 1753. d. 1786.

[3]Elias Boudinot, Elisha's elder brother, was chosen by the Continental Congress to be Commissary General.

[4]She was Catherine Smith (1750-1797), and was married to Elisha Boudinot November 14, 1778. She was the daughter of William Peartree Smith (1723-1801), and Mary Bryant Smith, (1720-1811).

Newark's first men with charm and dignity. She was an ardent patriot and entered into all the patriotic movements that were considered suitable for a lady of those times. Her garden was her great pride and every Spring the grounds in front and back of the house were ablaze with red tulips.

The town suffered greatly during the Revolution. It was sacked by the British, many buildings were burned and invaluable records were lost. When the war finally ended restoration work was immediately begun but the fear of fire lingered in everyone's mind. Wells, springs, streams and ponds were the only nearby sources of water. As a precaution each house had its own fire-fighting apparatus consisting of two leathern buckets and a ladder, but this safety measure was of no avail when, in January 1797, Judge Boudinot's house caught fire and burned to the ground.

The townspeople were so shocked at this disaster that they flocked to the smouldering ruins and even before they were cold began clearing away the debris. So loved was the Judge that his friends declared that he should not be without a home any longer than was absolutely necessary and thus the Boudinot House that the 19th Century knew as 74 Park Place was built.

It was a house of noble proportions, built of brick and wood, painted white and surrounded by a white picket fence. Judge Boudinot had eleven[5] children, and he desired a home in which his family could be comfortably housed and where he and his wife could entertain in a lavish manner. The house was two-and-one-half stories high. It had a gambril roof with a balustrade

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[5]All by his first wife, Catherine Smith Boudinot, as follows:

1. Anna Maria—b. Nov. 26, 1780. d. Aug. 29, 1811.
2. Catherine—b. Dec. 2, 1781. d. June 24, 1877. Married Lewis Atterbury—1803.
3. Eliza—b. Ap. 2, 1783. d. Aug. 7, 1783.
4. Susan—b. July 31, 1784. d. 1858. m. John Salmon, in Cincinnati, Ohio, June 21, 1830.
5. Julia—b. Sept. 6, 1785. d. 1812.
6. Eliza Amelia Stockton—b. 178-. Died young.
7. William—b. Feb. 11, 1786. d. Jan. 17, 1789.
8. Anna Emelia—b. Feb. 11, 1789. d. Aug. 9, 1793.
9. Elias E.—b. Mar. 11, 1791. d. May 21, 1863. m. Jane M. Kip.
10. Eliza Pintard—b. Feb. 21, 1792. m. John Colt, of Paterson, N. J.
11. William Alexander Hamilton—b. Feb. 20, 1795. d. 1795.

across the front, two windows on either side of the main door and a Palladian window over the door. The foundation walls were nearly two feet thick and very large bricks were used in the construction of the house. There were four large chimneys.

The house faced west, overlooking the Lower Town Common. On the north was a wing which housed the great kitchen with its Dutch oven and wide open fire place and crane. On the south was a wing in which Judge Boudinot had his law offices. The interior of the main body of the house was spacious and impressive. The wide central hall, which one entered after passing through the large door of the front entrance, with its side lights and fan light above, led to the dining room which overlooked the gardens in the rear. The dining room occupied the entire width of the house. North and south of the central hall were parlors of great elegance. The ceilings were high and the woodwork and mantels were very beautiful. The doors were all panelled in the shape of the Cross, customary at that period. It is said that the origin of Cross panelling came from the earlier days when people believed in witches. A witch could not enter a doorway on which there was the sign of the Cross.

Here Judge Boudinot lived until his death in 1819. The house was famed for its hospitality; George Washington and Alexander Hamilton and many other famous men of the times visited there. The Judge was a pillar of the First Presbyterian Church and every Monday evening entertained the minister and elders at dinner.

One day in January, 1803, Mrs. Boudinot and her friends gathered in the parlor of her home to discuss the serious question of helping the poor people of the community. The town was rapidly growing and inevitably the question of the old and shiftless had arisen. The ladies decided on that day to form a society whose motto should be "To Help the Poor to Help Themselves." In this way the Newark Female Charitable Society was formed and Mrs. Boudinot was elected its first Directress.[6] It is the oldest private charitable organization but

[6]Second Directress: Mrs. Sally Cummings. Secretary: Miss Catherine Boudinot. Treasurer: Mrs. Gertrude Mercer. Managers: Mrs. Elizabeth Hinsdale, Mrs. Hannah Conger, Mrs. Hannah Kinney, Miss Charlotte Croes, Miss Keziah Curry, Miss Phoebe Johnson.

one in this country. In January, 1903, this Society met in the same parlor to celebrate its hundredth anniversary.

After Judge Boudinot's death his only son, Elias, remained in Newark for two years. He also was a judge in Essex County. In 1821 he moved to Philadelphia and in 1863 he died at Chestnut Hill.

In September, 1824, one of Newark's most famous celebrations took place. The occasion was Lafayette's visit to the City. At that time the Boudinot House was occupied by a Mrs. Munn, but it was turned over to the General for his three days' stay in the city.[7] Apartments were especially decorated for the famous visitor and in the wide front hall Lafayette received the townspeople.

It was a momentous occasion. People came by foot and on horseback from as far away as Hanover and Caldwell to see America's famous French friend and a body of students hired a coach to bring them from the College of New Jersey at Princeton. They made the trip in remarkably quick time, ten hours.

Lafayette arrived in the morning from Jersey City by coach, crossing the Passaick River at Bridge Street. He was greeted by enthusiastic crowds who followed the coach and swarmed around the Boudinot House. In the afternoon a great celebration took place on the Lower Town Common. A huge dome, forty feet high and covered with flowers had been erected. This was approached by thirteen arches, representing the thirteen states for which Lafayette had fought, and over the platform was Lafayette's name in flowers. The speaker of the day was Theodore Frelinghuysen. Songs were sung by male and female choruses. In the evening a grand banquet was held in the Boudinot House. Lafayette, the guest of honor, drank a toast "To the town of Newark—and may her population, prosperity and industry increase in the same wonderful proportion I have been delighted to witness.[8]

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[7]According to "Miss Carrie" Condict, Lafayette stayed in the Boudinot House three days. Other sources state that he left for Elizabeth Town in the evening of the day of the celebration.

[8]Historic Newark. Printed for the Fidelity Trust Co., Newark N. J., 1916.

About 1850 74 Park Place was purchased by Stephen Hayes Condict.[9] It is interesting to note that his uncle, Stephen Hayes, was the Marshall of the Day during the celebration for Lafayette in 1824.

During the interval between the occupancies of the Boudinot and the Condict families the old house for some time was a school for young ladies. The Institute was conducted by the Misses Bucknell who stated in their circular that "The Building occupied by the Institute is unsurpassed by any establishment of the kind in the State. . . . The school rooms are furnished with desks after the models of the most tasteful schools in the City of New York. The dormitories and parlors are fitted up for comfort."[10]

During the passage of years various changes were made in the Boudinot House. The front exterior was altered and the north and south wings were removed. The north wing became a separate building and the south wing, in which were the Judge's law offices, was moved to Boudinot Street, which was southeast of Park Place, and was used as a small dwelling.

The greatest change took place shortly after 1850 when Stephen Hayes Condict purchased 74 Park Place. Once more the old house became a private home and for nearly sixty years was to know the sounds of the steps of young people and the dignity of formal entertaining.

Mr. and Mrs. Condict had six[11] children, the two youngest being born at 74 Park Place. They were Caroline E. and Sara

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[9]Stephen Haeys Condict—b. Morristown, N. J., 1815. d. Newark, N. J., 1896. m. Rahway, N. J., 1843, Sophia Lewis King. b. Morristown, N. J., 1819. d. Bernardsville, N. J., 1901.

[10]Historic Newark. Printed for the Fidelity Trust Co., Newark, N. J., 1911. m. New York City, Mary Neely.

[11]Frederick King Condict—b. Newark, N. J., 1844. d. Orange, N. J., 1908. m. Orange, N. J., Clara Holm Agnew.

Lewis E. Condict—b. Newark, N. J., ——. d. Newark, N. J., 1881. Never married.

Stephen Albert Condict—b. Newark, N. J., 1849. d. Orange, N. J., 1923. m. 74 Park Place, Newark, N. J., William Tuttle Carter.

Abbey Sophia Condict—b. Newark, N. J., 1854. d. Newark, N. J., 1949.

Caroline Eleanor Condict—b. Newark, N. J., 1856. d. Orange, N. J., 1917.

Sara Frances Condict—b. Newark, N. J., 1859. d. Orange, N. J., 1917.

Two children died in infancy. Names and dates not known.

Frances. They lived there until they moved to Orange in 1913. Caroline E. was known to all of her friends as "Miss Carrie" and Sara Frances was known as "Miss Lily" because she was tall and fair like a lily.

Stephen H. Condict, like Judge Boudinot, wished a home befitting his position as a leader in Newark. Unfortunately the beautiful early nineteenth century architecture was in disfavor at that time, so the front of the house was altered to conform to the most approved Victorian style. A porch was added and a third story was built, entirely changing the line of the roof. The front facade was painted brown and the white picket fence gave way to a brown iron one. The rear, however, was little changed, although the garden no longer extended to the river. Streets had long since been cut through east of the house. However, until the time of the sale of the property in 1913, there grew in the rear of the house two magnificent horse chestnut trees. These trees had been planted by Judge and Mrs. Boudinot and named Washington and Lafayette, after their two most distinguished visitors.

Fortunately the interior was little changed, except for the addition of plumbing and gas as those improvements became possible. The great dining room was made smaller, thus forming a back parlor east of the front parlor. The library was to the north of the entrance hall. The beautiful old woodwork and the massive doors remained as they had originally been built. The house was very elegantly furnished in the popular Victorian style and for many years was a center of social life in the city.

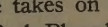
In 1913 the Public Service Corporation of New Jersey purchased 74 Park Place from "Miss Carrie" and "Miss Lily," the only members of the family left living in the house. They moved to 158 Cleveland Street, Orange, N. J. Both have died, "Miss Carrie" in 1949. She was ninety-three years old.

When the Misses Condict decided to sell 74 Park Place they gave three large parties as a sort of valedictory to the old home. One was a formal afternoon reception, to which they invited all of their own friends. The other two were dinners, given for the friends of their nieces and nephews, the children of Mrs.

William T. Carter, who was Sophie Condict. There are many people in Newark who still speak nostalgically of those parties and of the many other good times that they had had at 74 Park Place, for the Misses Condict were noted for their hospitality and were gracious and kindly hostesses.

Now the great Public Service Terminal stands where the stately home once was. The rapid steps of commuters hurry over the ground where Washington and Lafayette stayed, and noisy busses roar and rumble where once bloomed the red tulips.

They say that a house takes on the characteristics of those who have lived in it; 74 Park Place had been the home of people of dignity and high ideals. It had known happiness and sorrow and all the vagaries of life and it seemed to develop a personality of its own. Perhaps that is why, when it was to be torn down in 1913, descendants of the Boudinot family flocked from all over the United States to see it once more. It was as though they were coming to bid a last "Good bye" to a beloved friend.



GOVERNOR LEWIS MORRIS AND THE COLONIAL GOVERNMENT CONFLICT

By

Gordon B. Turner

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I

In the conflict between Crown and colonies, royal governors, by reason of their central position, played the dominant role. Any information that can help reveal the personality and political concepts of the men who formed the link between England and the provinces is historically significant. The relations of the governor with his assembly and with British colonial ministers is an important facet of pre-revolutionary controversies.

Lewis Morris, governor of New Jersey in the first years of its existence independent of New York, is a man peculiarly fitted to bring to sharper focus the picture of these struggles. A colonist, whose political career ran the gamut of public opin-

ion from popularity to animosity, he has remained too long a local figure. Historically, he deserves broader treatment. Most studies have handled his life in segments: as chief justice of New York, as rebel against royal authority, or as governor coveting his prerogatives and power. Brief sketches of the full sweep of his activities have joined these apparently disjointed parts defectively.[1] But the governor, here set in the retrospect of his political apprenticeship, emerges as a man who followed a straight path with remarkable consistency against the attacks of extremists on both sides of the Crown-colony conflict.

Papers of the Morris family hitherto unworked,[2] and published material inadequately used, demonstrates that Morris had a clear grasp both of the legal status and of the political aspirations of the colonists. The position of the provinces in relation to the British government, he asserted, could be altered only by the latter. It becomes evident from an examination of his life that he believed coercion by colonial assemblies and enroachment by royal governors were equally inadmissable. His insistence upon the letter of the law and his uncompromising integrity made him a formidable opponent of those who attempted to surpass the limits of their authority and an able champion of the proprietary, large farmer class which he represented. In a life of political restlessness, these were the fac-

[1]The works which touch on Morris are numerous. Among the most helpful are: William Smith, *The History of the Late Province of New-York from its Discovery to the Appointment of Governor Colden in* 1762, I and II (*Collections* of the New York Historical Society, IV and V, New York, 1829, 1826); Edwin P. Tanner, *The Province of New Jersey* 1664-1738 (New York, 1908); Isaac S. Mulford, *Civil and Political History of New Jersey* (Camden, 1848); Edgar Jacob Fisher, *New Jersey as a Royal Province* 1738 *to* 1776 (New York, 1911); and Donald L. Kemmerer, *Path to Freedom, The Struggle for Self-Government in Colonial New Jersey* 1703-1776 (Princeton, 1940). Articles on Morris have been based on deficient sources and are generally brief. The best is the "Introductory Memoir," to *The Papers of Lewis Morris, Governor of New Jersey from* 1738 *to* 1746 (*Collections* of the New Jersey Historical Society, IV. 1-30. Those of lesser import are listed in the bibliography.

[2]Morris Papers, Rutgers University Library [hereafter Morris Papers (R.U.L.)].

tors which dominated his thinking and controlled rigidly the course of his activities.

The career of Lewis Morris reached its apogee in his governorship. Here a lifetime in government service culminated in high political office and in abject failure. Had this honor not been accorded him, history might have labelled him a precursor of the spirit of colonial independence rather than a loyalist arbitrarily upholding the rights of the Crown.[3]

The enthusiasm with which his appointment was greeted was a tribute rarely paid to a royal governor. The people of New Jersey, having experienced the burdens of an anomalous bond with their powerful neighbor, New York, saw in Morris a champion of their interests. His own efforts in behalf of a separate governor for New Jersey and his large estates there implied as much. His integrity would be proof against continued corruption. Practical knowledge of the law fitted him to redress their grievances against the provincial courts. Trade handicaps might well be rectified by a man who had successfully upheld the rights of farmers against the merchants of New York. "If his inclinations to promote our welfare, bear any proportion to his abilities (which we have no reason to doubt)," wrote the New Jersey assembly, then he is in "every way qualified to render us a happy and flourishing people.[4] From 1698, when he had petitioned the Crown for an end of the proprietary rule which he considered unsafe "for the people,"[5] until he became governor in his own right in 1738, Mor-

[3]Herbert L. Osgood, *The American Colonies in the Eighteenth Century* (4 vols., New York, 1924), IV, 7, states that the appointment as governor silenced his criticism and made him a loyalist. John Whitehead, *Judicial and Civil History of New Jersey* (Boston, 1897), pp. 234-6, comments similarly that Morris in his early life embraced the cause of the people, but later vigorously upheld his rights as governor and displayed contempt of the rights of the people.

[4]Assembly to Morris, Dec. 16, 1738, *The Votes and Proceedings of the General Assembly of the Province of New-Jersey* (1738). The votes and proceedings of the assembly were printed for each session from 1738 to 1746 by J. P. Zenger, B. Franklin, or Wm. Bradford and are collected at the New Jersey State Library at Trenton. [Hereafter Assembly Votes. All quotations transposed to lower case to conform to modern usage.]

[5]*Archives of the State of New Jersey* (First Series Documents Relating to the Colonial History of New Jersey, 33 vols., Newark, 1880-1947), III, 489. [Hereafter NJA].

ris had been vilified by the more unscrupulous of the royal authorities as a fomenter of rebellion and spokesman of the colonists.[6] Optimism was therefore unbounded when this unprecedented appointment was announced.

The rude shattering of these expectations by an executive who seemed no less arbitrary than his predecessors brought swift resentment. For eight years the lower house of the assembly took the offensive to secure those rights which it considered the inherent privilege of the people. No less stubbornly did the governor struggle to uphold the constitution as it was embodied in the laws of England and his own instructions. Inevitably the legislative process ceased to function, administration of government came to a standstill, and anarchy very nearly was the result.

The issues around which the conflict turned were common to all colonies. Nevertheless a variety of factors, not the least of which was the personality and character of Lewis Morris, rendered the situation particularly acute in New Jersey during these years. It was perhaps natural for a people whose hopes had been lifted after a prolonged period of real and fancied injuries to see in Morris one who had deliberately turned his back upon his own ideals and had become subservient to the British Crown. They could view in his executive activities only a grasping of greater power and a disregard of the rights of the people. In the retrospect of the American Revolution, in which most of these issues were resolved in favor of the colonists, historians have tended to view Morris as a reactionary or a loyalist in the most derogatory sense of the word. But placed in the atmosphere of his own times, when a firm belief in liberty and loyalty was not an anachronism, the governor displayed surprising consistency with the judge, assemblyman, and councilman that he had been. His keen legal mind cut through the shallow and superficial aspects of any problem to keep his attention focused on the core, no matter from what angle his personal or political position viewed it.

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[6] *Documents Relative to the Colonial History of the State of New York Procured in Holland, England and France,* ed. by E. B. O'Callaghan (11 vols., Albany, 1853-1861), VI, 4-7, 43, 46 *passim.*

II

Prominent, almost perennial, was the obstacle which the governor faced in securing adequate finances to provide for the administration of the affairs of the province. Support of government, an issue of paramount importance in every colony, had been particularly difficult to obtain in New Jersey because chaotic conditions, comparative poverty, and absentee governors had rendered inhabitants unwilling or unable to raise substantial sums of money. Thirty years before his own elevation to office, Morris had thrown the full weight of his popularity against the gross malpractices of royal appointees, and urged the assembly to refuse support to Lord Cornbury. Vividly he described to the Secretary of State the deplorable conditions in New Jersey: ". . . its the impudent conduct of the governours, to call it no worse, that has been the great prejudice of her Majesties service in America, the various kinds of injustice and oppression, the sordid and mercenary measures they have taken, the mean things they have stoopt to, the trash of mankind that has been their favorites and tooles and by them raised to posts of honour and proffit . . . has stunted the growth of these otherwise thriving plantations. . . ."[7] Oppressive conduct which rendered liberties and property insecure was not to be tolerated. Until these grievances had been redressed Morris advocated passive resistance.

Governor Morris' first assembly, therefore, approached the discussion of support with equanimity. Here was an administrator who understood the distresses of the people and readily grasped the fact that support of government was a lever by which good conduct could be plied. This belief was strengthened by the action of the New York assembly in which Morris had served the year before. Against George Clark, successor and friend of the unscrupulous ex-Governor Cosby, New York representatives had used this same instrument of compliance with vigor and success.[8] Little did it occur to the provincials of New Jersey that their sudden independence would bring

[7] O'Callaghan, *op. cit.*, V, 37 f.
[8] *Ibid.*, VI, 96, 110 ff; Osgood, *op. cit.*, II, 471 f.

new grievances and chaos, or that harmony between the branches of government would be shattered on this very issue, and at once.

In order to avoid misunderstanding, Morris set forth early in his administration the principles by which he would be guided and to which the assembly should adhere. From time to time he amplified these views so that there could be no doubt that he denied emphatically the right to use support of government as an agent of coercion. Any contractual relationship between the legislature and governor was anathema. His duty was to propose and assent to beneficial laws. With the assembly lay two responsibilities, distinct and independent: the passage of bills necessary to the province, and the raising of funds sufficient to finance the government in all its functions. Without the latter, enforcement and administration of the former would be impossible. Only in this way were these duties related. The governor's assent to bills proposed rested upon his judgment and his instructions from the Crown. Support must be raised without regard to his decision in these matters. Specifically he included not only his own salary but those of all public officers. As scanty allowance for incidental expenses began to cripple his administration, he demanded increased provisions.[9]

Shocked and resentful at this apparent change of attitude, members of the lower house of the legislature pointed out his previous refusal to pay Lord Cornbury. But though they declined to vote Morris any funds during the last two years of his life, the aging governor felt his position wholly justified. Only corruption, malfeasance, or illegal oppression gave an assembly cause to withhold appropriations. The charges against Cornbury had included all of these. By accepting bribes, by refusal to qualify political opponents as members of the legislature, and by appointing men who deprived the people of their liberties and property, he had forfeited the right to

[9]Speeches of Morris to Assembly from Nov. 15, 1738, to May 1745, *NJA*, XV, 3, 6, 80 f, 433 ff; Morris to Assembly, Oct. 22, 1743, *Assembly Votes*.

support.[11] Morris's integrity and rigid adherence to the law allowed no such basis for the inimical action of his assemblies. To accuse him of inconsistency in this matter led only to confusing the issue between them and increasing the intensity of a conflict which was detrimental to the interests of government and people. The point of attack was poorly chosen. Had the assemblymen been content to reveal their natural antagonism against a governor who refused to help them gain the degree of political freedom they felt was their right, their ground would have been more tenable. Throughout his public career Morris not only had fought against officers who failed to live up to his ideals, but had as vigorously backed administrative efficiency. The severity with which he criticized an attempt to cut the salary of Governor Hunter in 1710 had brought his expulsion from the New York assembly. Five years later it was again by the efforts of Morris that the government received ample long-term support.[12]

With his reputation for not compromising his principles, New Jersey representatives might well have sensed trouble when their new chief executive announced disapproval of contractual relations. Their reply, however, implied that they considered this mere parliamentary repartee. They, too, disliked purchasing laws, but their inclination to provide support would be immeasurably improved from a sense of the benefits they would derive from money voted. The principal benefit, they made manifest, was the governor's consent to laws which they considered to be for the common good.[13] A string of rejections *Votes.*
forced the lower house into the coercive measures which had been so successful in the past. Most governors, they were fully aware, looked upon the office as a means of repairing shattered fortunes or of acquiring new ones. The strength of the assembly lay in its power to tempt such men to accept any terms in return for substantial perquisites.[14] "Keep the dogs

[11] O'Callaghan, *op. cit.*, V, 33 ff; *NJA*, III, 178 ff.
[12] O'Callaghan, *op. cit.*, V, 177 f, 429.
[13] Assembly to Morris, Dec. 16, 1738, and Nov. 3, 1742, *Assembly*
[14] O'Callaghan, *op. cit.*, V, 887.

poore and we'll make them do what we please"[15] was in general a safe rule of conduct. Even men of high political ethics, through a sense of the futility of defending themselves against so powerful a weapon, and for the benefit of a government which could not run without funds, compromised in varying degrees with their assemblies. Against Lewis Morris, who preferred to let his estates dwindle and administration suffer rather than give even token acknowledgment to this principle, his legislature was forced to other tactics.[16]

It resolved, in 1744, that the province could no longer afford the heavy expenses of the past, and cut the appropriations.[17] With funds enough in the public treasury for three years of normal support, the governor labelled this a poor pretense to cover up a rank neglect of duty.[18] His council might have agreed to pass the bills desired, but Morris merely renewed the vigor of his attack. The colony had been growing in wealth and population for several years; yet support had never been as generous as the assembly had promised when it had petitioned for a separate governor.[19] Morris had clearly foreseen this situation and suggested to the British government that provision for administrative expenses be guaranteed before it granted an independent government.[20] He now roundly denounced the members of the house for their failure to repay the king his favor. He took their feeble excuse as a deliberate threat.

Coercion in whatever form was a poor technique to employ against Lewis Morris. Publically, he denounced secret attempts at bribery. Support bills with favorite assembly meas-

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[15] *Collections* of the New Jersey Historical Society [hereafter *NJHSC*], IV, 49.

[16] Robert Hunter Morris in a letter to Valentine Morris in 1763 wrote: "My father inherited from his uncle and father a very considerable estate for this country, which in the course of a long life spent in the service of the Crown and with great opportunity of augmenting he rather lessened than increased." "Correspondence Relating to the Morris Family," *Proceedings of the New Jersey Historical Society* [hereafter *NJHSP*], new series, VII, 48.

[17] *NJA*, XV, 372, 376.

[18] *NJA*, XV, 392, 399 ff.

[19] *NJA*, V, 262 ff, 270 ff, 441 ff; *NJHSC*, IV, 84.

[20] *NJA*, V, 315.

ures attached were vigorously condemned.[21] Seldom did his abstract legal view of every situation permit him to fall into a situation he could not later justify. But repeated attempts at force finally broke his cold reasoning and brought a counter-threat. Until adequate support was passed, he would use his negative indiscriminately on every bill except those of extraordinary necessity.[22] Not until illness, pressure from family and friends, and the Essex riots combined to break his resolution, did the old man agree to assent to some controversial measures in return for both support and a cooperative effort to restore order in the province.[23]

His errors in dealing with this issue lay not so much in his theory of the relationships of government as in a too rigid adherence to these beliefs. The very administrative efficiency he sought was jeopardized by his inability to open his mind and compromise in small things to gain his main ends. If his position on contractual relations was honorable, it was unwise. The political freedom sought by the colonists was not to be checked by his abstract faith in a system of government which the colonies were fast outgrowing. It is clear from the measures which the assembly sought to force into law that political control was the essence of this struggle.

This was perhaps most openly avowed in the recurring controversy over the emission of paper currency. Between Morris and his assemblies there was unanimity of opinion on the necessity for a medium of exchange, yet so manifestly did the independence of the governor rest upon the context of the bills proposed that neither side would compromise. Paper currency in New Jersey had been closely linked to support of government since 1723 when Governor Burnet had assented to a bill providing that the interest paid upon bills of credit be set aside for expenses of the government.[24] When during Morris' administration, a new issue was required, the assembly attempted to disassociate these issues so that more precise and

[21] *NJA*, XV, 273.
[22] *NJA*, XV, 404.
[23] *NJHSC*, IV, 320 n.
[24] *NJHSC*, IV, 224.

definite control of the purse might be retained by the popular branch of government. For his part, the governor demanded strong enacting clauses which would guarantee provision for the support of government during the continuance of the act.

This breach, difficult to close under any circumstances, was widened beyond repair by the devious actions of all parties and the attempt to cloak it under less important and thoroughly superficial arguments. A bald inducement to the governor of £500 was promptly rejected with the curt rejoinder: "You mistook your man."[25] The antagonism this engendered might have been avoided had the assembly remembered that a similar bribe was refused in 1733 when Morris was president of the council. Equally naive was the effort to secure executive approval by promising everything Morris wanted in the preamble to paper currency measures but failing to vote any enacting clauses. The council rejected outright what it considered a specious attempt to make the bill palatable.[26]

Morris' actions were no more designed to bring about a reconciliation than were those of the lower house. Instead of accepting these subterfuges as political gestures, and letting the council assume the blame for rejecting such proposals, the governor embroiled himself in the controversy by haranguing against the intrigues of the representatives. Morris, like other colonial governors, was in the unenviable position of arbitrator between the people and the British government. Mentally he was nimble enough to have gained the favor of each side by assenting to the assembly's bills and requesting the Crown to disallow them. He chose rather to take the opposite course. Far from being temperate, his addresses to the house accused the members of grasping for power and of drawing up a currency bill the terms of which would inevitably depreciate the paper and lower the value of his salary. Unless they made indisputable provision for support which would help to sustain

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[25]*NJA*, XV, 273.

[26]*Calendar of State Papers, Colonial Series, America and West Indies, Preserved in the Public Record Office* [hereafter *A* and *WI*] (35 vols., 1660-1733, ed. by W. N. Sainsbury *et. al.*, London, 1860-1939), 1733, p. 205; *NJHSC*, IV, 181 f; *NJA*, VI, 223.

the credit, he would never assent.[27] Tactlessly, he let them think he was only interested in gaining greater control for himself; inferentially, he let them believe he was opposed to further emissions of bills of credit, and would only give his consent to what the people wanted if they would barter away their political rights.

These were words which would inevitably gain favor with the authorities in England, and Morris was not adverse to strengthening his position in those quarters. Yet he dispelled this advantage by insisting to the Lords of Trade and to Governor Shirley of Massachusetts that more paper currency was vital to the welfare of the people of his province. In answer to pressure from the home government that he do everything in his power to sink existing bills of credit and to prevent the issuance of more, Morris laid the blame for depreciated currency at the feet of English ministers of state. If they would take the trouble to enforce the act of Parliament which prohibited merchants from arbitrarily changing the value of gold and silver to their profit, paper currency in New Jersey would no longer fluctuate. With pride he pointed out that the value of currency in his province was steadily rising; that the people preferred their own paper to specie of New York or Pennsylvania; and that if the British government would control the situation in New England, he would control it in New Jersey. If the Board of Trade refused to allow bills of credit, agrarian New Jersey would have to turn to manufacturing to obtain the products which they needed for survival. In paper currency itself Morris saw no panacea, but if no other medium of exchange were provided, not only the people of his province but British merchants would be severely hurt by a prohibition on bills of credit.[28]

This was essentially his position at the time Parliament was considering an act to prevent the issuance of paper currency by the American colonies.[29] That the British government had the right to pass such legislation, the governor did not

[27] *NJA*, XV, 274 f.
[28] *NJA*, XV, 241; *NJHSC*, IV, 132-136, 156, 165-170.
[29] *NJHSC*, IV, 221 f.

doubt. In the New Jersey assembly, however, it caused an explosion. The bill was branded an encroachment on the fundamental constitution of the colony and the concessions made to the first settlers. It was, the members unanimously resolved, destructive of the liberties and properties of the inhabitants of New Jersey and detrimental to trade with Great Britain. Particularly obnoxious was the clause "for the better enforcing the due execution of the royall orders and instructions."[30]

By 1745, irrespective of the need for currency, Morris was ready to uphold any law which engaged to give him tightened control over his refractory assembly. There was no need for him to speak out on this measure; it would in no way persuade Parliament to pass the bill. But hoping to redress the balance which had existed between governors and their assemblies, he curtly informed the lower house that their resolution was improper. There was nothing, he said, in the constitution of New Jersey directly or indirectly related to paper currency, but even if there were, the British Parliament could abolish any law they felt justified in nullifying. It was, furthermore, ridiculous to call an act of Parliament an encroachment. Encroachment was illegal, and it was therefore highly improper for a provincial legislature to so label this pending bill.[31] Legally the governor's position was impeccable; politically, his stand completely alienated a group which was already highly suspicious of his motives.

So weak did Morris feel his power position by this period that he departed radically from his previous conservative concept of colonial government. To the Lords of Trade he advocated that the proposed bill include a provision that all funds raised in the colonies be given to the king to dispose of through his agents as he saw fit.[32] It had been painfully demonstrated to him that the present distribution of powers left the lower house in complete control of government, and that the negative of royal governors was inadequate to retain the balance which

[30]Opinion of assembly on pending British bill, Nov. 9, 1744, *Assembly Votes; NJHSC,* IV, 221.
[31]*NJA,* XV, 396 f.
[32]*NJHSC,* IV, 225 f.

he thought to be the essential element in provincial affairs. His reversal of position was a move of desperation. When Morris first assumed the governorship, he repudiated emphatically a similar proposal which had been suggested by Robert Hunter for whom he had great admiration.[33] Morris' request was not therefore that of a man reactionary in principle, but of one who felt helpless to recapture a position from which he had been illegally and inexorably forced. His supporters in the lower house, no less than his opponents, failed to see any excuse for a law which would deprive the assembly of disposing of the funds of the people whom they represented. Nor is it any easier today to understand the intent behind this proposal so detrimental to the people without an adequate understanding of Morris' whole concept of government.

III

"King George, Liberty, and Law," the motto under which Morris had campaigned in the New York election of 1733, was more than a mere political slogan.[34] It reflected the three components he felt to be basic in the complex of colonial government. Dependence on the Crown, freedom of the colonists from arbitrary treatment, and protection of property through adherence to the law, were the points of departure for all Morris' political opinions during his public career. In order to secure the welfare of the people and prerogatives of the king, equilibrium must be maintained between the three branches of the colonial legislative process.[35] Conflicts of interest which would inevitably arise within a province, and between the colonies and the British government, were to be resolved both by legal checks and political maneuvering. These methods by which the balance was to be sustained represent the dichotomy of Morris' character. Within him the lawyer and politician were irrevocably blended, and it was natural that he should

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[33] *NJHSC*, IV, 62.

[34] New York *Weekly Journal*, Dec. 24, 1733, quoted in Robert Bolton, *The History of the Several Towns, Manors, and Patents of the County of Westchester* (ed. by C. W. Bolton, 2 vols., 3rd, 1905), I, 215-218.

[35] *NJHSC*, IV, 43, 216 f; *NJA*, XV, 402.

depend upon each to try to secure a common denominator of action in intracolonial government.

Morris, the legalist, had a clear understanding in his own mind of the relationships between the various classes and echelons of government as they were expressed in law. Colonial legislation was limited to those areas not covered by acts of the British Parliament which applied expressly to the colonies or by the king's prerogatives as expressed in royal instructions to his provincial governors. This, he felt, left the colonies a wide field of opportunity to work for the improvement of the people's welfare and the strengthening of the provinces. The governor, the council, and the lower house of the assembly each had a duty to propose laws to this end, and the power to dissent from bills not believed to be in the public interest. Governors' instructions, Morris insisted, were not mere directives which could be followed or not as their interests dictated, but were binding upon them. It was, therefore, his duty as the king's agent to dissent from any bill which ran counter to these orders. Governors too often acted like "divines" in regard to their instructions, letting themselves be tempted by their personal interests.[36]

If colonies had the power to legislate, this right was severely circumscribed by the superior position, under the law, of the British Parliament. Morris had been accused by Lord Cornbury of believing that provincial assemblies had the same powers and rights as the House of Commons and enjoyed the privileges of Englishmen to create laws to govern themselves. Morris did, in fact, often compare the two houses when trying to impress upon his assemblies their duties. But he never questioned the subservience of provincial governing bodies to Parliament. While the former had no right to dissent from British laws, the latter could alter or abolish any act it felt injurious to the public interest. It made no difference that the colonists might insist that these were time honored royal or proprietary concessions or in the nature of inviolate constitutions of the provinces. The colonial assembly was, therefore, less a minia-

[36]Morris to Assembly, January 31, 1739, *Assembly Votes; NJHSC*, IV, 221; *A and WI*, 1733, pp. 205 f.

ture House of Commons than a municipal corporation granted the right by the king to make certain by-laws for its own internal government. The liberties which the people possessed did not imply any restriction on the legislative authority of Parliament but only the right to be free from encroachments and arbitrary government by royal appointees and provincial legislatures.[37]

Morris, the politician, however, realized that law alone was not a sufficient barrier against conflicts between a colonial governor, his council, and the assembly. Only in theory did these three work with the single purpose of the common good in mind. In practice, personal interests were paramount. Governors were too often interested in private gain and not disposed to concern themselves with the public welfare. The average assemblyman, ignorant of the art of statecraft and interested only in the narrow class he represented, was at the opposite pole from the provincial executive.[38] But between these two existed the council which consisted normally of men of means and stature in the colony. Ideally, this was a body which could act as a balance of power in the legislative process, throwing its weight toward the governor or the assembly as the situation required.[39]

It was probably for this reason that Morris divorced himself from the council when it was acting in a legislative capacity.[40] Had he not done so, there would have been no third power to mediate between the two extreme points of interest. With each of the three branches nearly equal in power, any permanent alliance of two of them would tend to outweigh the other, and personal interests would then lead to encroachment upon the weak segment.

The interplay of factions in colonial government, Morris skillfully portrayed in a fantasy apparently written during his period in New York politics. This manuscript entitled "A

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[37]*NJA,* III, 77 f; *NJA,* XV, 397, 403.

[38]*NJHSC,* IV, 40 f. 61, 123, 206.

[39]Rough draft of "A Dialogue between a South and a North Countryman" [hereafter "Dialogue"], undated, unsigned but in handwriting of Lewis Morris, Morris Papers (R.U.L.).

[40]Assembly to Morris, Dec. 16, 1738, *Assembly Votes.*

Dialogue between a South and a North Countryman" clearly displays his keen interest in the alignment of political groups and shifts of power which redressed occasional imbalance. With evident delight he illustrates the composition of hypothetical councils and assemblies, and the rôle governors were forced to play in order to bring harmony to their administrations. The mechanics of maneuvering for control becomes the highest art of political science. Graphically and with humor Morris presents by means of a series of paintings the evolution of colonial government from the emergence of assemblies until they finally become more powerful than governors. In one of these canvasses members of the lower house are seated according to their political alignments, but across the mouth of each the artist has stamped the letters N.C.—symbols of their common purpose.

> . . . two golden capitalls N.C. which some skilled in decyphering say—means no caesar, others, no collector, others no customes or duties, others no captain generall, others no chief justice, others no court, others no chancery; but some who pretend to a greater skill than ordinary say that it means them all under the generall words of no curb or no controuler and say that the NC allso meanes that till they have brought it to that passe they'll never be content.

The situation is eminently satisfactory to Morris when the council, acting in the interest of the king and people, is able to hold the ambitious assembly and governor within proper bounds. No less agreeable is that point in the evolution in which the governor succeeds in binding together the general assembly to the mutual benefit of all. Provincial affairs, however, manifestly deteriorate when the lower house, having gained control of the purse and refused to let the upper chamber participate in drawing up money bills, forces the governor and council into permanent alliance. Morris deplores the indifference of the royal authorities to this dangerous position from which a further drive for independence, he feels, will soon be impossible to stop.[41]

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[41] "Dialogue," Morris Papers (R.U.L.). Punctuation in the quotations altered to conform to modern usage.

In the light of Morris' theories on colonial government, on the machinery of politics, and the art of statecraft, a clearer insight into his governorship is possible. Long before he assumed the office he understood the difficulties which faced governors in keeping the balance he so heartily desired, and he was convinced that law rather than force must be the weapon to obtain this end. In 1719 he had written to his friend Robert Hunter his opinion of the political situation in New Jersey.

> . . . the dificulty of governing that province, the opposition that is expected, the disposition of the people, and the weakness and timidity not only of the present magistracy but of any body that can be put into those stations . . . are all things so well knowne to you that I am verry well assured you believe no man that knows that people will be verry fond of being their governor without some other assistance than what is to be expected from them.[42]

It is evident that Morris considered patronage and political alignments to strengthen his hand both ethical and legal, but that he intended to use them when he became governor to encroach upon either branch of the general assembly is not apparent. If through harmony, good government could be attained and dependence upon the Crown maintained, his administration would be successful. If equilibrium were lost, if coercion were threatened in order that one of the components of government might gain undue control, Morris was determined to employ all executive prerogatives and powers that were his.[43]

For a man who believed implicitly in astute political compromise as an instrument to encourage amicable relations, his errors were remarkable in quantity. Tactless, unbending, and at times yielding to the blind temper he so thoroughly deprecated, he lost any chance to keep peace. Jealous of his prerogatives and firm in the belief in his own integrity and ability,

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[42]Draft of letter, Lewis Morris to Governor Hunter after receiving seals of New Jersey, and enclosing copy of letter to Mr. Docminique, New York, July 17, 1719.

[43]Copy of letter, Lewis Morris to Lords of Trade, Nov. 21, 1719, Morris Papers (R.U.L.); Morris to Assembly, Jan. 31, 1739, *Assembly Votes.*

he denied the right of the assembly to question his actions or to see his secret instructions, and stated emphatically that he was responsible only to the king. His right to adjourn, prorogue, and dissolve the lower house, Morris exercised indiscriminately and on occasion with little reason. Three times in ten months, he forced a new election in the futile hope that new members might come up to his standards of what a representative of the people should be. With less tact than usual, he refused to see messengers sent to him from the assembly, giving that body the opportunity to claim a usurpation of the right of free access to the governor.[44] It was inevitable, then, that Morris' mishandling of relations with the assembly should produce unfavorable reaction.

Though perhaps unjustified, Morris' relations with the lower house were the natural result of his political theory and his opinion of the personnel with whom he had to deal. Among them personal and party interest, he felt, outweighed the public good. Legislation, needed "to curb the wicked and protect the just,[45] was a responsibility which factious quarreling prevented them from fulfilling. To Morris calm logic and intelligent reasoning was a prerequisite for governing bodies. Yet so bitter was the political rivalry within the assemblies of New Jersey and New York of which he had intimate knowledge, that he despaired of their ever attaining unity without strong direction by the chief executive. Whenever he found them particularly perverse and obstinate, and predetermined to do nothing, he felt compelled to dissolve the house and hope for better accord from a new one. Especially in the year before his death, the assembly aroused his ire, but two new elections failed to produce a more satisfactory situation. Sober members, susceptible of reasoning and interested in the common welfare, had little opportunity to display statesmanship in the face of a majority which Morris more than once complained was composed partly of illiterates and almost wholly of men ignorant of the needs of government. Some governors, he admitted,

[44]*NJA*, VI, 252 f; *NJA*, XV, 417; Morris to Assembly, Jan. 31, 1739, *Assembly Votes; NJHSC*, IV, 276.

[45]Lewis Morris, "Poem on Essex Riot," Morris Papers (R.U.L.).

would have played one party against another to their benefit, but until necessity demanded he did not feel it appropriate for him to descend to the level of the house where common decency did not prevent lying, threats of physical violence, and opposition purely for the sake of opposition.[46]

Extraordinarily verbose in his lectures to the assembly, Morris wrote concisely to his friend Sir Charles Wager a letter which foreshadowed his future handling of the lower chamber:

> There is so much insincerity and ignorance among the people, and with so rooted a jealousy of their governours and so strong an inclination in the meanest of the people (who are the majority and whose votes make the assembly) to have the sole discretion of all the affairs of the government, and to make the governour and other officers intirely dependant on themselves, that it requires much more temper, skill and constancy to overcome these difficulties than falls to every man's share; and whether to be done most effectually by driving or leading them, is difficult to determine.[47]

For Morris, who thought it unwise for any one branch to override the others, it would be particularly disastrous to allow the least capable of the components of the legislature to acquire the unilateral power which the house desired. Alternately, he pleaded and threatened in conciliatory addresses and long harangues. Plainly at times he treated the members as children whose good actions alone could induce him to recommend, or the king to grant, their favorite measures.[48] They were, he said, in a state of probation now that they had a separate government, and must redeem their promises in order to demon-

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[46] *NJHSC*, IV, 40-41, 57, 61, 206; Morris to Assembly, Apr. 16, 1740, *Assembly Votes*.

[47] *NJHSC*, IV, 40 f. Morris' use of the word "illiterate" and his claim that the "meanest of the people" elected the assembly seem to have been sweeping generalizations of his natural bias against the common man rather than fact. High property qualifications for suffrage precluded the average man from a share in government, and there is little indication that representatives at this period were without some education.

[48] Morris to Assembly, July 3, 1740, Miscellaneous New Jersey State Papers 1708-1787, New Jersey State Library.

strate that the royal decision had not been ill-chosen.[49]

Especially irritating to newly elected representatives were the governor's speeches which detailed the errors and stupidity of previous assemblies. But though he was informed directly that he could expect no cooperation if he persisted in preaching to them about the mistakes of the past,[50] Morris demonstrated no more diplomacy in his declining years than he had before. He insisted upon advising them of the limits set upon them by the constitution of the province. No one, he said, was more willing than he to admit the liberties and privileges of the assembly when it kept within these legal bounds. If its members would stop seeking "victory" over him and consider each proposal on its merits, the harmony which they affected to desire could easily be attained. Lawmaking, always a difficult task, was particularly so, Morris told them, in a dependent government where legislation must be in accord with this relationship and not destructive of it.[51] If the assembly continued

State Papers 1708-1787, New Jersey State Library.

to act as if it had more power than the House of Commons, Parliament might have to step in to persuade them otherwise.[52]

IV

Narrow-minded, impolitic, and seldom capable of compromise, Morris was not wholly arbitrary as a governor. To obtain the harmony for which he pleaded year after year, he did make occasional concessions to the assembly even at the expense of his deep convictions. In 1743 he gave his consent to a bill "for ascertaining the fees to be taken by the several officers in the colony of New Jersey."[53] Against this act he had no objections on legal grounds, having upheld in the past the right of the general assembly, in conjunction with the governor, to establish fees. He had asserted in 1703 that were a governor alone allowed this power, he could set the figure so high that the expenses of administration could be defrayed

[49]Morris to Assembly, Jan. 31, 1739, *Assembly Votes.*
[50]*NJA,* XV, 410 f.
[51]Morris to Assembly, Dec. 10, 1743, Miscellaneous New Jersey
[52]*NJHSC,* IV, 123.
[53]*NJA,* IV, 311.

without an act of the assembly to support the government. This, he insisted, would be taxation without consent.[54]

As governor his position did not change, but the bill presented to him was highly unsatisfactory. So low were the fees set for the officers of the various courts of justice, that no man of ability or eminence would be likely to accept employment in New Jersey courts.[55] Already he had been having difficulty securing judges of talent. Nothing worse could befall a country, he wrote to his friend William Morris who had declined appointment, than that its most judicious men should prefer private to public interests. The courts would necessarily be filled with magistrates ignorant of the law to the great detriment of the people, if the few lawyers of high attainments refused to serve.[56] To Benjamin Smith he wrote that the law deemed it "high contempt against the prerogative and severely punishable to refuse an office when legally appointed."[57] The magistracy and government would fall into contempt and their purpose be defeated if shallow men alone could be prevailed upon to accept office. This was, in fact, already the case and one of the reasons that the assembly had introduced the fee bill.

Disgusted with the lawyers and various practitioners in the courts, the lower house was determined to cut the cost of justice by scaling down the fees charged.[58] Morris, the representatives pointed out, had in his first address to them asked that the expense of justice be eliminated so that rich and poor alike might benefit, and they now were merely complying with his expressed desire.[59] This was, of course, a gross misinterpretation of the governor's speech. He had explicitly asked that officers administering the law be amply paid so that temptation of graft would be eliminated. His solution for cheap justice

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[54]*Journal and Votes of the House of Representatives of the Province of Nova Caesarea, or New Jersey, In their First Sessions of Assembly, Began at Perth Amboy, the 10th Day of November, 1703* (*Jersey City*, 1872), pp. 100, 115, 138.

[55]*NJA*, VI, 239.

[56]*NJHSC*, IV, 81.

[57]*NJHSC*, IV, 79.

[58]Report of Committee of Grievances, Oct. 15, 1743, *Assembly Votes; NJHSC*, IV, 152.

[59]Assembly to Morris, Nov. 3, 1742, *Assembly Votes.*

had been the passage of laws which would permit the courts to function through a simple and easy procedure. If the general assembly would pass such legislation and assist him in keeping only the men of highest caliber in office, he felt that the desired end could be attained.[60] This bill would accomplish just the opposite, and Morris believed it was designed to lower the fees not only of attorneys but of the secretary and other officers of the government.[61]

Notwithstanding these reasons for dissent, and the added fear that the law would increase the authority of the county courts where in spite of his efforts the justices were below standard, Morris assented to the fee bill.[62] The need for harmony was uppermost in his mind, and a suspension clause would render it inoperative until decision by the British government was taken. A letter received six months earlier from his daughter, Euphemia, in England, may have brought him to this conciliatory frame of mind. He had written more than once asking her to determine if his superiors approved his actions, protesting vehemently that he was no advocate of arbitrary government. Disunity in the province might, he feared, be thought excuse for his removal, especially if some favorite of the ministry were soliciting for his office.[63] His daughter's reply urged the aging governor not to act precipitately with the assembly. She had done what she could to secure his position, and believed it safe under the present regime. But she warned him that there were some in England who thought age had not mellowed Morris, and if a revolution brought them to power, she could not answer for the consequence. The opinion of his friends in England was unanimous that if the difference between him and his assembly became too acute, he could expect no redress from England, and that his only hope for security of tenure lay in keeping harmony. Euphemia's contribution to the cause of peace was a shipment of Dorchester beer. "It is cheaper than wine," she wrote, "and you know it will

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[60]*NJA*, XV, 7 f.
[61]*NJHSC*, IV, 152 f.
[62]*NJHSC*, IV, 182.
[63]*NJHSC*, IV, 145, 165.

goe a great way, when you entertain your Parliament, towards making them what they wish to be, drunk. . . ."[64]

Neither beer nor the governor's desire for harmony lulled the representatives into a temperate frame of mind. Almost immediately the assembly resolved that, since the three branches of the legislature had approved the bill, judges should govern themselves by it and the act should be printed, the suspension clause notwithstanding. This attempt to evade the royal prerogative made Morris furious. He demanded by what authority the assembly dared to take such presumptuous action; he ordered the king's printer to disregard the order of the house and sent an irate letter to the Lords of Trade requesting disapproval of the bill. The assembly's reaction to these measures shattered the last vestige of harmony in Morris' administration. Unanimously, members of the house answered that they had only given an opinion of an act already passed and therefore saw no reason to consider themselves accountable to Morris for their actions. Despite the governor's objections they voted that the act be printed in the assembly record. Against this Morris was helpless, but he denounced the representatives for assuming judicial robes and attempting to interpret a law. This, he said, was but another unwarranted assumption of powers not possessed by a legislative body, and was not to be tolerated.[65]

It was not, however, until 1746 that the full repercussion from Morris' action was felt. When the assembly learned just before the governor's death that the fee bill had been disallowed, not because it was illegal, but because Morris had forcefully recommended disapproval, the final breach in a long series of intragovernmental quarrels occurred. It was probably this as much as any other single factor which made the house refuse to pay to the governor's heirs his two years' back salary, and brought to a climax the bitterness which had prevailed throughout the previous eight years. To the Lords of Trade Morris had written that the fees had been set too low partly through ignorance of what a proper figure should be, but more basically

[64]Euphemia Morris to Lewis Morris, June 15, 1742, Morris Papers (R.U.L.).

[65]*NJA,* VI, 239 f; *NJA,* XV, 313 f, 318-321.

because the assembly was deliberately trying to decrease the authority of the supreme court.[66]

Throughout the latter period of Morris' governorship this court was highly unpopular. Not only was its proprietary influence felt to be prejudicial to tenants and small landholders, but the divided duty of its judges was claimed as the principal cause for undue delay in the hearing of cases on its calendar. The first complaint seems to have been justified; the second was apparently employed to strengthen the argument and give body to the former. The slow working of the judicial system had been a legitimate grievance before New Jersey had its own governor, but most of these causes had automatically been removed after the separation from New York was consummated.[67] In 1743, however, the Monmouth County court had failed to sit because none of the justices of the supreme court had attended. The assembly protested that the chief justice, Robert Hunter Morris, had been absent attending a council meeting, and the second judge had been an active member of the house. Governor Morris promptly replied that the fault lay not with these men but with the third judge who, with no secondary duties, had absented himself. Many magistrates, he pointed out, had served in dual capacities without members of the house becoming disturbed before.[68]

More merit can be found in the basic grievance against the patronage and proprietary influence in the judicial and administrative branches of government. The governor held a powerful weapon through appointments, the strength of which became fully apparent to John Hamilton when Morris threatened suit against him in 1739. To the Lords of Trade, Hamilton explained the difficulties of his position. Morris had appointed his youngest son chief justice of the province; the office of governor conferred the power of selecting sheriffs and other officers of the court; and the only path of appeal to England

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[66]*NJHSC,* IV, 182 ff, 308 ff.

[67]*NJA,* V, 300, 452 f.

[68]Report of Committee of Grievances to Assembly Dec. 3, 1743, and Morris to Assembly, Dec. 7, 1743, *Assembly Votes; NJHSC,* IV, 182 n.

lay through the New Jersey council in which the governor sat and held a dominant position.[69]

With Morris a proprietor himself and firm in the belief that the proprietors were the most stable and intelligent men in the province, it is not surprising that the people of New Jersey were fearful and suspicious of prejudice in the higher courts. If the small farmers of the province and the antiproprietors in the assembly thought, when Morris was appointed governor, that their interests would coincide with those of the chief executive, it was a fatal misreading of Morris' past career. Inheritor of a large estate in New Jersey which employed sixty to seventy Negroes plus white servants and dependents, and owner of a manor in New York, Morris was no dirt farmer.[70] Though self-educated,[71] and often in open conflict with royal governors, his attitude was rather that of an aristocrat and country gentleman than a friend of contentious tenants. His fight prior to 1702 to transfer New Jersey from proprietary rule could in no way be construed as antagonistic to his interests. He had said, indeed, in 1698 that the proprietors should no longer have sole control of government because "they are both judge and party which cannot be safe for the people."[72] He was, however, working directly for these men who then fully realized that lawless conditions in New Jersey were nullifying the benefits which they held as owners of the land. Conditions under which Morris negotiated the surrender to the Crown included confirmation of the proprietors' rights to the soil, and retention of high property qualifications for suffrage.[73] When Cornbury attempted to unseat Quakers from the assembly during his administration, Morris stipulated their right to vote and hold office as a further condition of the terms

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[69]*NJA*, VI, 70, 151 f; *NJHSC*, IV, 48.

[70]William A. Whitehead, *East Jersey Under the Proprietary Governments* (2nd, Newark, 1875), p. 474 n.

[71]*The Literary Diary of Ezra Stiles* (3 vols., ed. by F. B. Dexter, New York, 1901), III, 366 n; *Extracts from the Itineraries and Other Miscellanies of Ezra Stiles, D.D., LL.D., 1755-1794 with a Selection from his Correspondence* (ed. by F. B. Dexter, New Haven, 1916), p. 404.

[72]*NJA*, III, 489.

[73]*NJA*, VI, 234 ff.

of 1702. Throughout these early years in New Jersey politics Morris regularly aligned himself with the proprietors whether they were the large Quaker landholders of West Jersey or the Anglicans and Presbyterians of the eastern sector of the province. It was Cornbury's antagonism to this group that was largely responsible for Morris' frequent attacks against the governor.[74]

A third of a century, however, produced a vital change in the political situation. By 1738 conditions in New Jersey permitted many nonproprietors to meet the property qualifications for suffrage and for election to the assembly, and Morris found himself in opposition to the body in which his faction had previously held a dominant position.[75] Many of his apparent inconsistencies were the result of this phenomenon rather than any change upon his part from being first an exponent of the colonists and then a proponent of the crown. It was not unnatural that the people and their representatives should desire to bring as many cases as possible before the lower courts where proprietary influence was insignificant, and to keep them out of the higher system where a proprietary governor had such complete control of appointments. This desire was intensified by the peculiar land controversy in New Jersey which had been a primary cause of the surrender to the Crown, and which at the end of Morris' administration flared up in numerous disorders. There is little doubt that quelling of these riots was to the benefit of the proprietors. There was under the circumstances ample provocation for petitions to remedy a system which allowed judges, juries and councillors to control the judicial and administrative branches of the government in their own interests.[76]

It is fully as understandable that Morris should appoint men whom he considered the most able in the colony, and that he should object to laws which would throw a heavier burden

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[74]Osgood, *op. cit.*, II, 85-92.

[75]Fisher, *op. cit.*, p. 82.

[76]*NJA*, VI, 206-215; *The New Jersey Historical Records Survey Calendar of the Stevens Family Papers, Stevens Institute of Technology Library*, I, 1664-1750 [hereafter *Stevens Papers*] (Newark, 1940), p. 51.

upon the lower courts already overburdened with petty cases and lacking in capable personnel. His assent twice to bills for the establishment of county courts for the trial of small cases, is indicative of his desire for harmony and for a more adequate and cheaper judicial system. These bills, giving to any justice of the peace cognizance of all debt actions under £5, conferred rather broad jurisdiction upon these law officers. Since 1702 all acts had limited recovery in the local courts to debts under 40 shillings.[77] Likewise, in 1745 Morris assented to an act for acknowledging deeds and settling the estates of widows though he knew that this would also swell the business of the county courts.[78]

Small credit did Morris receive from the assembly when he yielded to their favorite measures. In order not to give any cause for dissatisfaction, he agreed in 1741 to an act preventing any suit or action being brought into the supreme court that was under £15.[79] As in the case of other bills relating to justice, this cut away much authority from superior courts and threw into inferior ones an amount of business which they were not equipped to handle. It was a popular measure, however, and Morris hoped that if he assented and the king disallowed it, not only would greater harmony be effected but a similar attempt in the future might be avoided. A raise of £50 to the chief justice was voted in partial compensation for his estimated loss of revenue. This was apparently only a crude gesture to insure passage, for in later support bills his salary was lowered even below its previous level. This reduction was hardly an act of skillful politicians, since the chief justice was the governor's son, and wielded considerable influence in the upper house of the assembly. It not only bore out Morris' opinion that most of the representatives were unfit to govern, but prevented the bill's passage through the council when it again came up in 1745.[80]

The recurring struggle within the government over the

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[77]Samuel Allinson, *Acts of the General Assembly of the Province of New-Jersey* (Burlington, 1776), pp. 119, 137.
[78]*NJHSC*, IV, 123 f; *NJA*, XV, 310 f.
[79]*NJA*, XV, 227.
[80]*NJHSC*, IV, 140 f, 183 f; *NJA*, VI, 260; *NJA*, XV, 405 f.

judicial system demonstrated clearly the cleavage which impaired Morris' administration. On its side the lower house, nonproprietary in bias, was determined to swing the courts to more impartial administration of justice. Unwisely, they overstepped the bounds of legislative authority and handed the governor a legal defense for subsequent refusals to yield an inch to their demands. Morris, representing the group whose control of the courts was prejudicial to justice, found that his few concessions were taken for retreats. Convinced by the intemperate actions of the representatives that this caliber of men should have no part in juridical matters, he returned to his initial position and abruptly refused further compromise. In line with his own interests and concept of government, he continued to appoint to office the proprietary, aristocratic, large farmer class of men. But while he upheld the proprietors against the small farmers in the land riots, a study of his character and beliefs tends to demonstrate that the desire for law and order were the primary motivations for this course of action.

If to Morris' attempts to repress disorders arising out of land disputes were imputed some bias against nonproprietary elements, no such basis can be discovered in his efforts to quell disturbances over the intercolonial boundary quarrels. This was entirely an issue between proprietors. Those in New York, believing that some of their holdings ran well into New Jersey territory, did not wish to have the line surveyed. Those in the latter province, continually harassed by New York inhabitants, desired swift settlement of the boundary. Morris, whose holdings in both provinces were outside the area of contention, had no personal interest in either side of the controversy. Yet as governor and earlier as president of the council, he urged repeatedly that the line be settled for the sake of the public peace. Much concerned over the probability of bloodshed, he wrote twice to Peter Schuyler of New York in 1720 insisting that the current rioting and strife could be quieted only by removal of the grievance between the parties. During his administration he requested Governor Clinton, and instructed his own military and civil officers along the boundary, to do everything

in their power to avoid all incidents between the inhabitants.[81] His attitude on the necessity for preserving peace and protecting the people from armed raids into New Jersey territory was not essentially different from his ideas on the Essex riots expressed in one of his frequent bits of poetry:

> No man is safe in property or fame
> Where laws are broken or where laws are lame
> Much less when force suspends all legal right
> Making men wrongfully submitt to might. . . ."[82]

V

The difficulties that Morris faced in securing adequate protection against civil disorders and against foreign invasion were manifold. During his administration not only land riots and border incidents but English wars with Spain and France plagued the governor. To meet these contingencies he had a weak and undisciplined militia which the Quakers and his opponents in the assembly refused to strengthen. The weapon of dissent, which in other issues afforded some measure of control, could not be applied effectively to measures which he proposed himself. Not once during his eight years in office did he receive a satisfactory bill from the assembly providing for a military or police force. For a man who believed firmly that the basis of an ordered society lay in laws properly enforced, this situation was exasperating. In vain Morris expounded this principle to the assembly in 1740. Good laws, he told them, must be executed to be effective "so that force is the dernier human resort, to which recourse must be had, for the protection and preservation of any civil society, from the attempts of ill men within, or enemies without."[83] His requests for legislation to regulate this force were repeatedly denied.

Two factors were basic in depriving the colony of adequate military and civil arms to meet the requirements of protection

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[81] *Stevens Papers*, pp. 22, 34, 43; *NJA*, VI, 446 f, 448 f; John Hamilton to Lewis Morris, July 6, 1741, Morris Papers (R.U.L.); *NJHSC*, IV, 126 ff.

[82] Lewis Morris, "Poem on Essex Riots," Morris Papers (R.U.L.).

[83] Morris to Assembly, Apr. 16, 1740, *Assembly Votes*.

and defense. The first was the existence of a large Quaker population; the second lay in the desire of the lower house of the assembly to acquire as much political control of the government as possible through its hold on the finances of the province. When Morris took office the militia in West New Jersey was almost nonexistent. With one-third of that section Quakers, opposition to a strong militia had for years prevented any improvement in the force. Under previous governors whose interests had been in New York, there had been no training enforced in the western sector of New Jersey for about fifteen years. So difficult did the Quakers make it for officers to comply with the weak existing law that it was impossible to get men of high caliber to serve in the militia. The situation was somewhat better in East New Jersey, but here, too, the continued absence of governors, who spent most of their time in the neighboring province of New York, prevented strong enforcement of the law.[84]

As a result of continued resistance during his administration to strengthening the militia law, Morris came into open opposition to the Quaker element with whom he had previously been on excellent terms. If it seemed in this instance also that he turned his back upon his friends when he acquired high office, his doing so was less an act of deliberate inconsistency than the desperate need for an adequate militia. Nor had his friendship with the sect ever been an unqualified one. He admired them for being substantial citizens, law-abiding, and ordinarily supporters of good government, but even during Cornbury's governorship when he had been closely allied with them politically, he had held reservations on their religious inhibitions against force. He had sustained the right of Quakers to sit in the assembly, and in 1716 had been indicted by the Grand Jury of Burlington for qualifying them as jurors.[85] Yet back in 1698 before he was tied to them politically, he had expressed a serious doubt as to their right to govern. Since, he said, they "deny the use of arms, a tenet not the safest to be held by those who pretend a right to govern, it leaves us naked and defence-

[84] *NJHSC*, IV, 117 f.
[85] *A and WI*, 1716, p. 70; *NJA*, IV, 239 f.

less a prey to any bold intruder. . . ."[86] Though Morris as governor felt that Quakers were disloyal to the king and to their fellow citizens in refusing to strengthen the militia during time of war, and believed that some only professed to be pacifists in order to avoid danger, it would have been contrary to his principles to have disqualified them arbitrarily from sitting in the assembly.[87] When members of the lower house, in accordance with procedure in the House of Commons, requested the right to qualify their members themselves, Morris acquiesced.[88] So embittered had he become by 1745, however, with the outright rejection by the sect of every attempt of his to strengthen the militia, to raise troops, and to provide for the defense of the colony, that he advanced a radical solution to Governor Shirley. Perhaps, he suggested, a joint representation to the Crown from the northern colonies to prevent Quakers from serving in legislatures, was a possible way out of the dilemma.[89]

This tentative threat was the result of repeated refusal by Quakers to vote even for those measures introduced which would exempt them from militia duty by cash payments, but it was not this element alone with which the governor had to deal in order to provide adequate protection to life and property.[90] Any of the bills could have been carried despite the Quakers had the remainder of the representatives voted in a solid block for the administration's measures.[91] But, in the words of Morris, "both parties were unwilling to dissoblige those who by joining with either would render the other incapable of doing anything."[92] The realities of politics brought the governor's opponents into coalition with the Quakers on defense questions in order to win support to fight other issues which the administration might desire. It made little difference now that one of the items in the petitions for a separate governor had been the gross neglect of the militia by absentee gover-

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[86]*NJA*, III, 411.
[87]*NJA*, VI, 199, 204.
[88]Entries of Oct. 10, 1743, and Oct. 28, 1743, *Assembly Votes*.
[89]*NJHSC*, IV, 231 f.
[90]*NJA*, VI, 198.
[91]*NJA*, VI, 202.
[92]*NJHSC*, IV, 141.

nors.[93] In the struggle for political control all concern with administrative efficiency and good government seemed forgotten.

This partisanship was first clearly evident in the assembly's bill in answer to Morris' request for support for the West Indies expedition. Word had been received in 1740 that England had declared war on Spain, and was in need of colonial troops to augment a force being dispatched to the West Indies. The governor immediately requested the assembly, which was then in session, to comply with the king's requirements, and added as a further inducement that heavy losses were being sustained in trade by the interference of Spanish *Guarda Costas*. The assembly's answer was a request to be adjourned. This the governor refused and in a message to the assembly stressed the urgency of the situation.[94] The £2000 which was finally authorized for the cost of transporting the troops came from a fund already raised and set aside for support of the government.[95] This was not only illegal under the act which had raised the money, but, Morris suspected, was a device to render his position less secure in future requests for financing the government. To the Lords of Trade he wrote that the grant made him more dependent on the assembly by using up support money, and was undoubtedly a political maneuver to give the king obedience at no cost whatever to their constituents. A more fundamental reason, he believed, was that the lower house thought the bill in this form would not pass the council or himself, and if it should, it formed a beautiful precedent for applying these appropriations to other causes in the future and keeping the treasury dry.[96]

Additional serious objections were found with the bill as drawn. Provisions had been written in giving the legislature control over administration of the funds. Into the hands of trustees, all but one of whom were members of the assembly,

[93] *NJA*, V, 299 f.

[94] Morris to Assembly, Apr. 16, 1740, and June 26, 1740, *Assembly Votes*.

[95] *NJA*, VI, 100 ff.

[96] *NJHSC*, IV, 125 f.

was put the responsibility of hiring ships and providing food for the New Jersey contingent until it joined the main British force. All payments were to be made by the trustees without the customary warrants signed by the governor in council, and they were accountable to the lower house alone for disbursements. The council vainly protested these usurpations of the functions of the chief executive. Claiming that this was a money bill, the assembly refused to admit any amendments by the upper house, and since the need for the £2000 was absolute the council gave reluctant approval.[97]

Governor Morris did not submit so easily. When requested he willingly adjourned the legislature for two weeks so members could get in the harvest, hoping that they would return in a more conciliatory frame of mind. The assembly, however, had no intention of retreating from its favorable position, especially when the governor's only weapon was words. The representatives refused even to consider his bill, though it had been pointed out that support money could only be disposed of through the governor and general assembly.[98] Morris was helpless. He could either accept a bill which intimated the right of the lower house to levy, spend, and administer appropriations without accountability, or he could dissent. Even more reluctantly than the council, he agreed to the bill as drawn. His fear that a precedent had been established was fully justified. When money had to be raised for the Louisbourg campaign in 1745, the bill proposed in the assembly, and the objections raised against it, were identical.[99]

It is apparent that an assembly, which could have passed any law over Quaker objections, yet refused Morris' perennial requests for stronger fortifications and militia, had an ulterior motive. War with France and a long and exposed coast line necessitated a military force of considerable training. Land riots of increasing intensity likewise demanded precautions. The preamble to innocuous bills brought in by the assembly

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[97]*NJHSC,* IV, 121; *NJA,* XV, 170 f.

[98]Morris to Assembly, July 5, 1740, and July 24, 1740, *Assembly Votes.*

[99]*NJA,* XV, 438 f; *NJHSC,* IV, 249, 253.

acknowledged the need for civil and military forces, but no act was passed to strengthen the Militia Act of 1738 until 1746 when conditions were chaotic.[100] Every possible excuse was used by members of the house to avoid taking effective measures. During the governor's illness the house spent its time wrangling over his right to call them to Trenton instead of Burlington or Perth Amboy.[101] The request to consider a new militia act went unheeded in a storm of petty bickering.

When this opportunity was not afforded, other pretenses were found. A favorite one was to blame the administration of the law rather than the law itself for the indiscipline and unpreparedness of the military forces. This was a direct attack upon the governor himself, an implication, which a man who invariably believed himself in the right would hardly leave unanswered. Morris, rarely able to see anything creditable in the views of his political enemies, was fully justified on this occasion in a biting reply to these insinuations. The assembly had said: "The executive part of the law we humbly conceive to be lodged in your Excellency, and those military officers who you have or shall appoint that neglect their duty are accountable to you [in] whom the power requisite to superintend them are vested."[102]

The governor immediately pointed out that one defect of the current law was the failure to provide for punishment for neglect of duty on the part of officers. There was little that he could do as commander in chief to force his subordinates to measure up to their responsibilities unless penalties were provided for offenses against the law. Certain counties had had no militia meetings during the six years of his governorship, apparently under pressure from local inhabitants. An act prescribing periods of training and giving to the governor power of enforcement was greatly needed. It was of little use, said Morris, to provide fines for men who refused appointment as noncommissioned officers when no such penalty was fixed for

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[100] *NJA*, VI, 227 f; entries of Mar. 14, Apr. 12, and May 8, 1740, *Assembly Votes*.

[101] *NJA*, IV, 252 f.

[102] *NJA*, XV, 236.

declining to accept a commissioned rank. These, however, were but minor inadequacies compared to the major deficiency of failing to provide for the expenses of provisioning and transporting troops in time of war or rebellion. Of small use was it for the governor to have the power under the king's letters patent and the law to raise armed forces in time of invasion and insurrection if no money were available to execute a military campaign. There was no excuse for waiting until the enemy entered the province to vote money for the militia. England was already at war.[103] The defense of the province could be much better effected by a military appropriation now than by "the meeting three of four times a year to hear a drum rattle or see some colours waved. . . ."[104]

In view of the repeated refusal by the assembly in the face of civil disorders and in a time of war to provide the reasonable legislation requested, it is not surprising that after Morris' death the British government should consider reannexing New Jersey to New York.[105] To demands for appropriations the lower house replied that it would vote no additional funds until the governor assented to their favorite measures or until the situation became much more serious than it was at present.[106] Promise of concessions by Morris and a second series of land riots finally induced the assembly to vote a stronger militia act, but as a result of the continued obstinacy of the lower house and the leniency of Morris' successor, New Jersey remained in a state bordering on anarchy.[107] Prejudiced as the Board of Trade might be against the dependent position of the governor on the people of New Jersey, its report to the Privy Council in 1750 was not without considerable justification. Writing of the absolute power that control of finances gave to the representatives, it reported:

They refused to grant money unless the governor

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[103]*NJA,* XV, 329-332.

[104]*NJA,* XV, 332 f.

[105]*Acts of the Privy Council of England, Colonial Series* [hereafter *Acts of Privy Council*], (6 vols., ed. by Grant and Munro, Hereford, 1908-1912), VI, 287 f.

[106]*NJA,* VI, 248; *NJA,* XV. 334 ff.

[107]*Acts of Privy Council,* VI, 287.

> would comply with every measure they proposed, however unjustifiable or contrary to his Majesty's instructions. Advantage was taken of these disputes, of the war with France and Spain and the Jacobite rebellion, by 'a great number of persons, chiefly the dregs of the people, and many of them Irish,' who had occupied lands under pretense of purchase from the Indians or without any title at all, to enter into combinations to subvert the laws, denying his Majesty's right to the soil or government of America.[108]

Order, the Board surmised, could not be restored in New Jersey until the governor's position was strengthened by re-annexing the province to New York.

VI

Administrative efficiency, the ostensible motive of the people of New Jersey in seeking a complete break with New York, it is apparent, far from being realized during the years when the assembly felt the lash of Lewis Morris' tongue. The governor, convinced that good government could be attained only by defending the *status quo* in governmental relationships, was frustated by an assembly determined to extend its recently acquired power even at the expense of vitally needed legislation. The course of these years demonstrates conclusively that political expediency was a basic factor in the demand for a governor independent of New York. So long as the chief executive received a fair salary from New York and opportunities for additional emoluments were prevalent, New Jersey had little leverage through threats of nonsupport, Independence from royal authority, in the person of the governor, was the paramount issue rather than the reasons expressed in the numerous petitions to the British Crown. This was amply demonstrated by the continual refusal of the assembly to legislate for greater governmental efficiency until their new governor should become sufficiently subservient.

To Morris' proposals designed to decrease the cost of gov-

[108] *Acts of Privy Council*, VI, 279.

ernment and increase the wealth of the province the assembly remained apathetic. His requests for better salaries to induce men of high caliber to accept public office had negative results. Money was denied despite the fact that one of the grievances against a dual executive had been that government officials, merchants, and professional men were being drawn away from New Jersey by lack of opportunities there. Similar treatment was accorded to Morris' demands for a simplified judicial procedure and for a militia strong enough to protect life and property against disorders. Delays in justice and undisciplined armed forces, which had formed part of earlier grievances, received scant attention now. Nonresidence of public officers had resulted, it was claimed, in a lack of punitive control, but Morris obtained no action when he asked for laws to provide adequate penalties against offenses. Nor were suggestions to unite East and West Jersey by the establishment of a single capital received with any more enthusiasm, though the advantages of a central seat of government were obvious to the lower house. Its most prominent complaint had been against the inconveniences of distances when their governor spent most of his time in New York.[109] But neither this factor nor the inducement of cheaper, more efficient administration could move the assembly from its obstinate position of complete opposition to any and all proposals by the governor.

It is significant that the people who had expected a boom in trade for New Jersey as soon as it obtained its own executive should now do nothing to increase it, while Morris, who had been highly skeptical of immediate results, should make positive recommendations to effect it. The reasoning of the people had been twofold. Under a governor who was more interested in New York, it was impossible to get consent to any laws which might act to the detriment of that province. Ports had to be opened, import duties on goods transshipped through New York were required, and a naval officer had to

[109]For petitions for separate governor see *NJA*, V, 270, 297, 441, 451, *passim*. Most of these requests for legislation by Morris can be found in his opening address to the assembly on Nov. 15, 1738, in *NJA*, XV, 2-9. Request for a single capital in address to general assembly, Apr. 16, 1740, *Assembly Votes*.

be appointed so that ships could register directly at New Jersey ports. Specifically these had been listed in petitions to Great Britain as hindrances to New Jersey's trade. Morris was able to effect the last of these because simple appointment was sufficient.[110] But as regards the other grievances requiring legislative remedy, his efforts as usual were obstructed. In addition, the people had felt that wealth, good government, and internal peace would be the concomitants of a distinct and separate province. New York and Pennsylvania merchants, it was assumed, would then settle in New Jersey which was rich in agricultural products and raw materials, and had adequate harbors.[111] Morris, on the other hand, had felt that schemes to cramp the trade of New York were visionary, and anticipated that it would take a long time for New Jersey to break away from the neighboring provinces and secure an independent trade.[112] This opinion did not, however, discourage him from proposing those measures which he thought would hasten the process. He urged direct imports and exports and warned against fraud in the manufacture or packaging of commodities sent abroad. Improvement of the natural advantages of the soil and rivers was worthy of consideration.[113] Morris particularly urged upon the assembly the repair of roads and bridges, and under pressure from local inhabitants, these at least among the governor's proposals were occasionally acted upon.[114] Morris' observations on the trade possibilities for New Jersey were more astute than were those of the provincial-minded farmers. As late as 1786 delegates were sent hastily to the Annapolis Convention in the hope of improving her commercial position, "for she was like a cask flowing at both ends,

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[110]Document of appointment of David Lyell, Box 4 of Repaired Manuscripts at New Jersey State Library.

[111]*NJA,* V, 20 ff. Popular feeling regarding trade is expressed in petition of freeholders of Middlesex county dated June 11, [1740], Box 15, Repaired Manuscripts at New Jersey State Library.

[112]*NJA,* VI, 56; *A and WI,* 1733, p. 208.

[113]*NJA,* XV, 2-9; Morris to Assembly, Apr. 16, 1740, *Assembly Votes.*

[114]*NJA,* XV, 246 f.

tapped by New York and Philadelphia."[115] Two decades later the state assembly was pressing the United States Congress to force New York to permit a port of entry on the Hudson River.[116] The seaport essential to New Jersey trade was still nonexistent, therefore, seventy years after Lewis Morris assumed the governorship. Neither opposition from more prosperous neighbors nor the chaotic conditions under Morris and his successors were conducive to the growth of a flourishing commerce.

VII

The legislative record of his eight years demonstrates that neither Morris nor the lower house were alone responsible for the stalemate which developed in government and for the dearth of constructive laws. Before the last three years of bitter conflict when only two important bills were enacted into law, the governor assented to almost three times as many measures as he negated. In three of these years his record of approval was impressive on the surface, for he signed seven out of every eight bills that reached him. A much greater block in the legislative process was the upper chamber. By one means or another it refused far more assembly measures than did the governor.[117]

The protestations of Morris that his influence played no part in decisions of the council is less than convincing, and impressed the lower house not one bit. To accusations by the assembly that ways had been found to make the upper house vote in accord with the governor's wishes, Morris replied that councillors were men of excellent character, and that no pressure was required on his part to make them reject bills which they believed were detrimental to the welfare of the province.[118] In a similar vein he explained that the conflict over the right

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[115]Austin Scott, "Influence of Proprietors in Founding State of New Jersey," *John Hopkins University Studies in Historical and Political Science,* (III, 3rd series VIII, Baltimore, 1885), p. 25.

[116]Resolve of N. J. Assembly, Nov. 21, 1808, Box 2, Repaired Manuscripts at New Jersey State Library.

[117]Analysis of bills introduced 1738 to 1746 from *NJA,* XV and *Assembly Votes.*

[118]*NJHSC,* IV, 217; *NJA,* XV, 405.

of the council to amend money bills was purely a quarrel within the general assembly, and that as much as he would like to see harmony restored, he could not interfere in a dispute which did not concern him personally.[119] His abdication of his right to sit with the council while it was acting in a legislative capacity was, Morris believed, open demonstration of the independence of the upper chamber. If, however, the governor was careful not to dictate directly, the assembly was quite correct in saying that there were less obvious means of making his views prevail.

Morris could have had no more able a champion in the council than his son, whose ideas on government paralled his own. The assembly's open resentment against Robert Hunter Morris was clear indication that the members fully realized the close relationship. Full confession of the governor's dependence upon his son was revealed in a letter written to the Lords of Trade in 1742 in which the older Morris explained that the upper house had only passed certain obnoxious measures of the lower house because his son was ill and absent from that session. In the same letter he expressed the opinion that, of the councillors residing in New Jersey, only the deputy secretary and his son were sufficiently free of the influence of the assembly to take the reins of government should God or his Majesty remove him from office.[120] Under the tutelage of Robert Hunter Morris, the council reflected the governor's opinion that the upper house should be independent of the lower house and have equal rights of legislation with it.

If it was politically astute for Morris to appoint men who had been "serviceable to the government, which always has been, and ever will be a prevailing motive in all countries in the world with those in power,"[121] it was certainly unwise for him deliberately to antagonize elected members of the assembly over whom he had no direct control. With these men, quick to take offense at any slight, friendly relations could be maintained only by the utmost diplomacy. When the assembly pro-

[119] *NJHSC*, IV, 285.
[120] *NJHSC*, IV, 155.
[121] Morris to Assembly, Jan. 31, 1739, *Assembly Votes*.

tested that six councillors were not sufficient to carry on the business of the body which acted as upper legislative chamber, as advisor to the governor, and as final court of appeal, Morris' answer was unnecessarily arrogant.[122] It was particularly impolitic since he was fully aware that a legitimate grievance of the colony had been the difficulty of getting a quorum in the council under former governors.[123] With one member living in New York and others incapacitated or unwilling to travel to frequent meetings, Morris was having no less trouble himself with a shortage of personnel. Spiritedly, he requested that his recommendations for additional appointments be fulfilled by the royal authorities. He sharply rebuked councillors for recurring absences, and wisely established a schedule of quarterly meetings to insure regular attendance.[124] This was, however, a problem requiring cooperation between the governor and assembly.

As an administrator, Morris had acted with an efficiency, very largely vitiated by his inept handling of the members of the lower house. Building the council up to its normal complement of twelve members was, he haughtily informed the assembly, the domain of the Crown and governor in which representatives had no business to pry. Their responsibility was to establish a central seat of government and to vote expenses for the councillors.[125] Had Morris accepted with good grace the assembly's request for new appointments, and informed them of his own efforts to remedy the situation, it is probable that the members would have been more willing to cooperate. Morris' tactlessness shown here, as on many other occasions, contributed in no unimportant measure toward bringing about that complete deadlock which marked the closing phases of the historic feud between governor and assembly.

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[122] *NJA,* XV, 369-372.

[123] *NJA,* XV, 297-301.

[124] *NJHSC,* IV, 48, 53, 159, 218 ff; *NJA,* XV, 26, 44, 92, 95, 105, *passim.*

[125] Morris to Assembly, Jan. 31, 1739, *Assembly Votes; NJA,* XV, 200-204.

VIII

In New Jersey numerous issues served to intensify that conflict in colonial government which prevailed in all provinces. Special conditions evoking the land riots, the long period under a dual governoship, and the high hopes that the new status would bring quick relief from old grievances, all formed a part. Within the character and personality of Lewis Morris lay further elements to aggravate the basic split. His attitude of superiority, his long opinionated speeches, and his inability to see any point of view but his own were factors which weighed heavily against harmony.

But too much emphasis upon Morris' errors as a governor tends to submerge other causal factors in this conflict. The assembly's determination to gain the privileges which the House of Commons had already won from the Crown led to tactics which Morris could not tolerate. The obstinancy of the representatives matched his own when they found him incorruptible. Their coercive measures only confirmed his belief that the proprietary class was best fitted to govern. To a man who believed firmly in law and order, and in honest and efficient government, the assembly's outright refusal to vote ample appropriations for administration, law enforcement, and defense was clear proof that his low opinion of them was justified. It mattered little, of course, that Morris was a strong advocate of these principles of government, and that he had been removed from public office several times in the past for upholding them, if his uncompromising attitude as governor prevented any working of the government machine at all. But that he should be called a friend of the people in his early career and dogmatic upholder of the rights of the Crown when he reached the pinnacle of public office is a statement that needs qualification.

This picture, a distorted one, results from a misreading of the character of the man. There is little doubt that Morris, by fighting the rank corruption of royal authorities, was upholding the welfare of the people, and that in this struggle he enjoyed popular support. At the same time he was defending his

belief that the proprietors, if proper limits were placed upon their arbitrary rule, were the best custodians of government. A large farmer himself, and incapable of ever understanding more than one side of any issue, he upheld that class consistently throughout his life. If his passionate fight against the usurpation of power by any one branch of the government process led the people to think he was sustaining their rights alone, it was only because circumstances had brought Morris to point his attack against corrupt governors. It became fully apparent, when Morris brought unbending integrity into his own administration, that the representatives of the people were intent upon fighting any man, honest or not, who attempted to place checks upon efforts to increase their political power. It has been suggested that Morris symbolized the conflicts in colonial government by standing at first for the provincials and then for the Crown. Rather, the very constancy of his position illuminated the gap between him and the assembly. Morris merely resented the indifference of British colonial ministers and the low caliber of their appointees; but the people, unlike Morris, resented the subordination of their political position. Viewed in proper perspective Morris' career demonstrates that he was at once a severe critic of British ministerial mismanagement and a strong bulwark of royal authority without being in any way inconsistent. To some historians Morris may have discarded colonial garb for royalist trappings when he became governor. More careful analysis reveals that two stout strands were woven into a single garment.

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CORRECTIONS IN QUIT RENT LISTS

By George J. Miller, South Orange

In Volume XV, No. 2, April 1930, page 231 and No. 3, July 1930, page 372 issues of the New Jersey Historical Society Proceedings, there are printed lists of names found on the quit rents lists in its possession. The writer has had occasion to check these lists against the original names in the quit rent book of the Board of Proprietors of the Eastern Division of New Jersey and other lists in its archives. Many errors, omissions and misspellings have been found. The purpose of this note is to correct these, not with the thought of criticism of the former compiler, but for the sake of accuracy.

Page 231—1682 list should be 1683
" 237—Pawson should be Parker
—Breeck should be Beech
" 238—Demus should be Dennis
—Cuse should be Case
—Jeremi Park (Pack) should be Jeremiah Peck
—Parks is correct; it is not Parkhurst
—Third line from bottom should be Hopkins
—Fourth line from bottom should be Silverwood
—Hatfield is correct
Page 239—Kenfield should be Canfield
—Blackly should be Aaron Blakeley
—Bruin (two times) should be Brown
—Kichel should be Kitchel
—Craine is correct
Page 240—John Ward (senior) add (Turner)
—Oliff is correct
—Burrell is correct not Burwell
—William Camp, not Kemp
—Joy should be Jay
—Bordin should be Bordain
—Burdain should be Borden
—Coke should be Cole
Page 241—Rape should be Reape
—Lemstry should be Le Maistra

Page 242—Hempten should be Hampton
—Shaltosk should be Shattock
—Haywood should be Hewett
Page 243—Foxe should be Cox
—Hooker should be Herber
Page 244—S-wood is Silverwood
—Squire & Squier should be Spicer
—Viyars should be Vicars
—Eliakem Hargens should be Eliakem Higgins
—Edward Slaughter should be Slater
—Hugh Duna should be Hugh Dunn
—Benjamin Durhame should be Benajah Dunham
—William Stratten should be Sutton
—John Marlin Sr. and Jr., should be John Martin
Page 245—Samuel Waker should be Walker
—Peter Bullin should be Billiou
Page 246—Nathaniel Kingsland add "no rentals"
—and item "none intelligimus"
Page 247—Games should be Gannet
Page 248—The item about Woodbridge should not be a heading but should be one just as the preceding and succeeding ones
—John Dunhame should be Jonathan Dunham
—David Mackensie should be McKenny
Page 373—Christiancy should be Christianes
Page 374—Before William Camp insert "An Account of Newark Quit-Rents"
Page 375—May should be Mary
Page 377—Before Behamin Price, Jr., insert "Elizabeth"
Page 378—Wyners' should be Wynans
Page 379—Under Middlesex County insert "Woodbridge"
—Richard Smith's heirs should be 65 instead of 55 acres
Page 380—after Thomas Marine, add Thomas Martine "Perlevie, a Frenchman, 155 acres
—Clerkson should be Clarkson
—Ringley should be Bingley
—Ralfe should be Rolfe

—Halek Coldnett should be Hulick Codriack
—Garven Lookart should be Gawen Lockart
—Before Perth Amboy insert "Plantations over against Perth Amboy"
(across river from)
—Sushan should be Cushan

Page 382—Insert after Samuel Dotye "Benjamin Curlie for"
—After Edward Slater add "La Flower for Edward Slater"

Page 383—Add "and 500 acres" after Obadiah Holmes
Before John Inians insert "Raritan Plantations"
Barden should be Borden and add "and 100 acres"

Page 384—Add "and 100 acres after Richard Sadler's heirs, James Ashton, Thomas Whitlock, James Grover. "and 200 acres" after Widow Bowne and "And 50 acres after Joseph Throgmorton's heirs"
—William Thomas should be William Davis

Page 385—Add "and 100 acres" after Garret Wall
—Add "and 200 and 325 acres" after Jediah Allen
—Add "and 50 acres" after John Williams

Page 386—After Nathaniell Slocum add "and 200 acres"
—After Abigaill Lippencoat add "and 150 acres"
—Job Jinkins' heirs should read Job Jenkins heirs

Page 387—After Samuel Dennis add "and 100 acres"
—After Sarah Reap add "and 500 acres"
—After Widow Eaton add "and 100 acres"
—After Lewis Morris' heirs add "and 200 acres"
—Insert "Somerset" before William Pinhorn

THE CAMPAIGN OF PROMISE AND DISAPPOINTMENT

(*Continued*)

(Private Edmund J. Cleveland, Co. K., Ninth New Jersey Volunteers, 1st Brigade, 2nd Division, 18th Corps)

March 17—May 27, 1864

EDITED BY EDMUND J. CLEVELAND, JR.

(Editor's Note: This is the third in a series of excerpts from a Civil War Diary. The first appeared in the January, 1948, *Proceedings* with a note about the author. The second appeared in April and July, 1048, and the first part of the third excerpt in July, 1949.)

3:00 P. M. Wednesday, May 4

At 6:00 A.M. we formed line and marched to the wharf. We waited until 10:00 A.M. and then boarded the "Nelly Pense." The rest of the brigade are on the "Wenoah" and two other vessels.

As soon as we embarked we sailed up the river a short distance and cast anchor.

6:00 P. M.

We are now sailing down the York River, having in tow the barge "Pilgrim," an old tub. The rest of the brigade, including Gen. Heckman and headquarters staff, have preceded us. As we left Yorktown large numbers of troops were embarking.

There is a rumour afloat that we will join Burnside at Fort Monroe and sail up the James River to Fort Darling.

Noon, Thursday, May 5

Wilson and I last night slept on the berth deck near the forward hatchway. The deck was so thickly covered with men that we could hardly turn over. When we awoke we were at Newport News. Now we are sailing up the James River. Near a shore picket post we overtook two monitors being towed by tugs. Soon after the "Nelly Pense" ran aground and we lost the barge we had in tow. The monitors are now in our rear and we are told that there are two in advance. We have passed many old earthworks on the shore.

We have not joined Burnside, as I supposed, but Gen. Smith commands us.

Bivouac Near Bermuda Hundred, Evening, May 5

At 5:00 P.M. we landed on the south bank of the river. Other troops landed at other points, on both sides of the river.

As we neared City Point we saw the Stars and Stripes floating in the breeze. City Point is on the opposite side of the Appomattox and was evacuated by the rebels yesterday. Our bivouac is about three miles up the James River.

3:00 A. M. Friday, May 6

Last night the officer of the day ordered us to put out our candles. We were aroused at 2:30 A.M. and orderd to cook our coffee and to be ready to march in an hour.

After shifting our position three times during the night our brigade finally encamped so as to hold their proper place in line. When making the last shift several men were away after water and so lost their things.

We are probably bound for Petersburg with Butler in command of the expedition.

It is a good country hereabout with many thriving wheat fields.

10:00 A. M. At Rest, 8 Miles From Petersburg

We left bivouac a little after daylight. We marched with the left of the brigade in front. Accordingly the 23rd Mass. had the advance and we were next to them. During the morning there were frequent halts. Companies of the 23rd skirmished in front and other companies flanked us.

We passed a deserted rebel camp in which were log barracks capable of holding several regiments. When we came near the place, the General mistook a slight embankment for a deserted earthwork.

We are doubtless awaiting the rest of the troops who are fast arriving. Some negroes inform us that we are 6 miles from the railroad. We have heard a couple of cannon shots in the distance.

1:00 P. M.

A number of gunboats have gone up the Apppomatox past the place where we were bivouacked. The woods both on our right and left have been smoking a long time. Someone has set them on fire. Gen. "Baldy" Smith who commands our corps has his headquarters in a house nearby. Gen. Smith is a well built, medium-sized man. He resembles Gen. Heckman in the fighting expression of his face.

Lt. Townley left the company at Yorktown as he was very ill.

Evening

It has been a memorable afternoon. At two o'clock the brigade received orders to fall in. We remained in line while a large force of infantry and artillery passed us. While we halted Gen. Butler and his staff went by. (The General has a beautiful flag, half red, half blue, with a white star in the centre.)

At four o'clock we were again on the march, not following the road to Walthall and Petersburg which the main column took, but another road. We proceeded slowly and cautiously. After passing the pickets we trailed arms so as not to be too conspicuous to the enemy who might be holding the ridge to the left of the road.

In a couple of hours we reached a point 4 miles from camp to a point near the R.R. where there is a large house and a number of negro cabins. When we reached the place (Port Walthall Junction), we found that one of the buildings had been converted into a hospital.

We learned that when the 27th Mass. came near this point they were charged upon by a body of enemy who for a wonder did not fire a shot. Near the road was an open field about a mile and a half wide bordered with woods. We could see the rebel skirmishers and a few rods from them, our own skirmishers.

The 27th and 25th Mass. advanced across the field in line of battle. Two pieces of artillery were planted on the left of the 27th. Every moment we expected "the ball to open."

The 23rd, who came across the field to our rear, advanced through the woods on the extreme left. During a few moments of painful suspense we could see a body of the enemy file through the woods on the front. The Ninth was then ordered on the field to the left but soon afterwards was moved to the right and formed in double column facing the right flank. The two cannon were moved from the left to the right and there planted.

In a few moments "the ball opened." The skirmishers on both sides, after firing a volley, were assembled. Then the enemy and the 27th exchanged volleys and the artillery opened.

Within a short time the 9th was ordered to her old position near the left, and we advanced in double column passing between the flanks of the 25th and the 27th. Gen. Heckman directed the Colonel to attack a body of the enemy behind a fence on the left.

Whether or not an order to "charge" was given I cannot say. But as soon as we fixed bayonets we dashed forward pell mell and received a volley from the enemy. Like fools the boys in the rear divisions commenced firing, their shots wounding several of our own men.

For Co. K it was a disastrous charge. We proceeded for a few rods until we reached a gulley, when our line was broken and we lay down. The rebels poured a perfect shower of musket balls into us. A few of the 9th returned the fire and were reprimanded for so doing.

After many ineffectual attempts to form a line we retreated in double column to the other side of the field, the enemy keeping up a steady fire. When we were nearly across the field the rebs let out a defiant yell. This was very aggravating.

The field was covered with the usual horrors. Weder was shot through the head. I saw him with the blood flowing from his mouth. The following of Co. K were wounded: Hamler (he said he was shot from the rear), Hoover, Delaney, Corp. Stearns, Gaston, Giles, J. Kneller and several others. I saw Kneller when he was struck. The ball bounded before it hit him. Total casualties for the regiment were over forty.

The rebels used a railway embankment as earthworks. The 23rd, who advanced to within eye-sight of them, said that they had considerable force in reserve which did not fire a shot. It is now nearly midnight. The whole affair has not had a good effect upon the boys and is mentioned only with sorrow and regret.

Gen. Heckman had his horse shot under him and lost one of his fingers. I suppose we will return to the field tomorrow. I have cause to thank Divine Providence that my life is still spared.

SATURDAY MORNING, MAY 7

Last night I bunked with Thomas. He was on guard over our stacked arms. Early this morning we went down to the river, had a wash and filled canteens. Seventeen men and non-commissioned officers have been detailed from each company of the brigade to go out and bury the dead. I am in one of the squads which will leave at six o'clock.

Belger's Battery has just arrived. Cos. C and D of the Ninth were not in the engagement yesterday. During the night our guards heard the locomotive whistling frequently. Undoubtedly the enemy were bringing up re-enforcements.

The order for the burial detail has been countermanded. We are directed to be ready to march at a moment's notice.

EVENING

Just before we started at 10:00 A.M. Lt. Townley arrived from McClellan Hospital. The boys welcomed him with loud cheers.

We marched with the left of the regiment to the right of the line, holding the advance. Cos. I and D were deployed as skirmishers. The 148th N.Y. were busy felling trees in the gulley we passed through yesterday—doubtless to make an abattis in front of earthworks which are being thrown up.

At noon we reached a field to the rear of the one in which we fought yesterday and we formed a line in double column. As the rest of the brigade was coming up, the rebels were forming in battle position, with skirmishers thrown out in front.

Soon the enemy brought a piece of artillery to the edge of the woods and a wreath of smoke told us that they had opened up. The shell whistled closely over our heads and exploded among the 25th Mass.

The rebs reloaded and fired as fast as they could. When we saw a wreath of smoke we hugged the ground. A spherical case shot landed in the centre of Co. K, striking Klotz in the head, decapitating him and scattering his brains over those near him, and slightly wounding Yates and Kruger. The rebs had a fearfully accurate range of us and dropped shells just where they chose.

In a few minutes we moved by the right flank to the side of a low hill. Near this was a barn which our ambulance corps occupied. When the enemy had fired a number of shells the two pieces of the 4th U.S. Artillery, which accompanied us yesterday, opened up on them. After exchanging shots for half an hour, a Union shell exploded a caisson of the rebels and their guns were silenced. When our boys saw the flash of the shell they set up a shout but were told by the Colonel to keep still. The Union cannon continued firing for a short time and then all was silence.

The rebs began maneuvering, their forces being sheltered by the woods. We could get occasional glimpses of them in the open places. Matters continued quiet until 2:00 P.M. Then the artillery of Brooks' division, which had marched up the road to the right, opened up on the enemy and they returned the fire.

Soon we formed a line of battle and advanced across the field where we "opened up the ball" yesterday. Two cannon were planted near us and opened up on the rebels to attract their attention but met with poor success. They fired only four or five shots at us, and these at short range. Our artillery kept up the bombardment for a while. We could hear the volleys of Brooks' infantry and the shouts of the men. The 23rd Mass. who had entered the woods at our left fired an occasional shot at the rebs.

At four o'clock, two rifled Rodman cannon were planted in the field to the rear of us.

Soon they opened up with ten second fuse shells. They were very accurately ranged and doubtless did much damage among the rebs. A little later we were ordered to our morning position and lay there until 6:00 P.M. when we left the field.

On our return march we were the regiment next to the rear. On coming into camp Sergt. Meyers displayed our colors, attracting much attention. We heard reports that Brooks today captured eight pieces of artillery. Some say Longstreet and others say Beauregard is in command of the enemy. A rebel prisoner brings the report that they lost 500 in killed and wounded yesterday. Everyone is in the best of spirits tonight. Dad Cook had coffee ready as soon as we arrived.

A corporal of the 4th U.S. Artillery is an excellent marksman. His name is Jack Young. It was one of his shots that exploded the rebel caisson. Before the explosion, a white horse, which probably belonged to a Confederate artillery officer, fully equipped with saddle and bridle, wandered over to our lines. Another deserter! One of the 4th U.S. Artillery is at our fire. He had his ration of whiskey and is very talkative.

Yesterady I thought I saw the rebels plant their artillery. Now I am sure of it. Had they opened on us when we charged and fell back they might have raked us. How glad I am that they did not do so. Again I thank Thee, O God, that Thou in another ordeal has preserved my unworthy life.

It is reported today that the 1st New York M. R. tore up the railroad within eight miles of Petersburg and that two of our gunboats were blown up with torpedoes off Fort Darling.

The enemy last night removed some of our dead and wounded from the field to a nearby house. When they were found this morning, the dead had been stripped of their clothing.

Sunday, May 8

This morning we got some boards from a torn-down house near camp and laid a floor in our tent.

A rebel prisoner clad in a blue uniform was just brought

into camp. The clothes had probably been taken from one of our men killed in Friday's battle. He was taken to Heckman's headquarters.

Battlefield, Swift Creek, Monday, May 9

Early this morning we marched, leaving our blankets in camp. We followed the Petersburg-Richmond Turnpike, passing near the scene of Brooks' engagement on Saturday. We contacted the enemy near a creek about eight miles from our bivouac. Tonight we are lying on our arms in the face of the enemy who are commanded by Beauregard.

The 25th and 27th Mass. repulsed an attack of the enemy today. The enemy have silenced our artillery and have a couple of pieces planted so as to rake us. I should not wonder if we were shelled tonight. I thank Thee, O God, that Thou in Thy infinite mercy has spared my life in another ordeal.

A little later I shall write a description of the fight.

Back To Camp, Tuesday Evening, May 10

Now I shall attempt to describe what happened yesterday. We were aroused at 3:30 A.M. Soon the regiment formed line and marched over the road which Brooks followed Saturday. As usual we were in advance of the column. At about two miles from our pickets we entered and passed through the woods where the engagement commenced three days ago. Our boys found a wounded man of the 115th N.Y. who had lain there since the battle.

With our pioneers ahead cutting paths for us, we came out on the Petersburg-Richmond Turnpike. The telegraph poles which our boys cut down last Saturday had been replaced. The pioneers immediately went to work and cut them down again .

We then entered another woods and came out on the railroad which had been torn up in several places by our boys. Half a mile farther on we came to the scene of Saturday's engagement. Every now and then we passed one of our dead, stripped of clothing to shirt and drawers.

We marched on the railroad for a quarter of a mile, then left it and marched across an open field where lay more of our

dead. We again crossed the turnpike and entered a woods where we formed a line of battle. After passing through dense undergrowth, we reached another road and then marched by the right flank to an open field where lay still more of our dead.

Soon we received orders to leave the field and march up the road by company front. We continued for a half a mile when we reached a point opposite the enemy's position on Saturday. By the roadside lay the swollen body of a rebel, black as a negroe. Near this place Sergt. Townley picked up a newspaper, "The Petersburg Express" of May 7. Here it was stated that Grant had advanced 6 miles on the Rapidan River and that the Yankees had entered the James River with 59 transports, 4 monitors and several gunboats.

We marched an eighth of a mile further when members of the cavalry which had gone ahead informed us that a man living nearby said that Johnston with his whole force was in front of us. A short distance ahead we crossed a bridge and entered a wood on the right of the road where we formed a line of battle.

Our skirmishers were already exchanging cracks with the enemy. Soon a few shells and solid shot went over our heads. I was almost overcome with the heat and was glad to get under the shade of a tree while we halted for half an hour.

When we advanced the 25th and 27th Mass. were ahead of the 9th and 23rd Mass. The 25th was to the left of the road. We were told that Gillmore was advancing on our extreme right. Occasional skirmishing continued. Artillery planted in a field in our rear dropped shells among the Confederates. They replied vigorously but with little effect.

We went forward slowly and every step the fight grew hotter. Ward of Co. K was slightly wounded in the back by a shell fragment. At two o'clock the 25th and 27th Mass. began pouring into the enemy.

Finally a brigade of the 23rd, 25th, and 27th and 11th South Carolina Regiments (a singular coincidence that three Massachusetts regiments and a Connecticut regiment with

the same numbers should meet them face to face) charged on the 25th Mass. but were repulsed with a cross-fire from the 25th and 27th Mass. and the 11th Conn. (A company of this regiment armed with breach-loading rifles were skirmishing ahead.)

As was ascertained afterwards the enemy lost heavily and retired hastily. Soon afterwards, we relieved the 27th Mass. and advanced past a small church (Ware Bottom Church) over a broad place to the top of a hill where we could see the enemy retreating over a field in the distance.

Soon the enemy opened on us with artillery. Luckily they did not have our range but confined their attention to a section of the 33rd N.Y. Artillery, planted near the church. Our artillery replied vigorously, but so accurate was the enemy fire that the 33rd N.Y. were compelled to leave the position and go to the rear. (Taps have been blown. So I will stop and continue this in the morning.)

Wednesday Morning, May 11

The enemy continued shelling the artillery position and soon it was untenable by anyone. A group would appear in the road and the rebels would renew the shelling. During a lull in the storm a number of rebs came out of a gulley near the houses by the creek and gave themselves up. In the houses were several wounded Confederates. When our boys tried to get them out they were shelled by the enemy.

There was considerable slaughter of the enemy as the woods were filled with dead and wounded. Among the latter were a captain and two lieutenants. On the latter's body was found John Weder's picture and letters.

By the time we reached the brow of the hill the enemy were all on the other side of Swift Creek. How thankful I felt to God that my life was spared in another ordeal!

Just before dark we were startled by a rifle shot in our midst. It was caused by Myers of Co. H committing suicide. He put the muzzle of the gun in his mouth, pulled the trigger and launched himself into eternity. He was not a sane man.

As soon as night fell Tennel and I set about entrenching

ourselves. After an hour's hard work with cups and bayonets, we had a good fortification constructed. Together with Sergt. Bryant we slept behind it on the bare ground.

In the late evening the enemy made a sortie on Brooks' division in the woods to the left of the road. The pickets retired quietly to the main body of troops. Fire was reserved until the enemy were within a few paces. The rebels retired in confusion leaving fifty dead behind them.

The following morning we awoke saturated with dew and thoroughly chilled. Sergt. Townley and I went down to the creek and brought back a load of canteens filled with water. The rebels were on the other side behind breastworks.

At eight o'clock there was cannonading on the right, probably from our our gunboats in the river. The rebels replied by throwing shells at their old range in the road.

At 1:00 P.M. we were relieved by one of Gillmore's brigades; the 142nd N.Y. relieving the 9th N.J.; the 40th Mass., the 23rd Mass. The 40th carried seven shooters—repeating rifles. Both of these regiments were large and had tattered colors, evidence of service on Morris Island, S.C. Gillmore had remained in our rear all night instead of being on our right as we supposed.

We retired slowly and entered the woods, pursuing a zig-zag course. Soon the rebels began shelling us and we continued our crooked route. Finally we emerged on the road at the exact place where we first entered the engagement.

While we were marching we heard a great cheering in front. We have ascertained that it was a charge on the troops which relieved us. One volley warned them but they again rallied. A second volley caused them to lie down. A third volley sent those who were not killed or wounded on a hasty skeddaddle.

We continued our zig-zag course back to camp, halting now and then along the road, as numbers of Gillmore's troops passed us. Among them was the 1st N.Y. Engineers, carrying picks, shovels and axes.

As we went along I fell into conversation with one of our prisoners. He told me that the place of Friday's engagement was Port Walthall Junction, on the railroad between Rich-

mond and Petersburg. Another prisoner, a member of the 27th S.C., told me that a Confederate Brigadier General, a number of field officers and a large number of men were killed in Saturday's battle.

When we reached the railroad it was torn up as far as the eye could see. In some places rails were on top of burning piles of ties. In other places, the track was turned over and thrown down the bank. For many miles on the turnpike the telegraph poles had been cut down.

Gen. Heckman took us past the rebel position in the two engagements at Port Walthall Junction, which was behind earthworks, improvised from the railroad embankment and very strong. They retreated so quickly that they left some of their clothing behind them.

Before we reached camp I fell out to get some water and did not get in until long after the regiment. On the way, I met the 2nd U.S. (Colored) Cavalry, the greater part of which were dismounted as carbineers. Each one of those I met had an extra horse in charge. In the rear I noticed an officer of one company trying to force an enlisted man of another company to take care of his horse, but the darky refused saying that he had as much as he could do to look after his own things. The officer drew his sword but it had no effect.

Lew Campbell, a pioneer, told me this morning that he helped bury 27 Confederate dead. On the battlefield, Monday, he heard Gen. Smith remark to Gen. Heckman that if all the troops were as good as his little brigade, he would easily drive the enemy into Richmond. As we have borne the brunt of the fighting so far, it is supposed that we will rest for a while. The weather is hot and sultry. "What Corps are you in?" is now the question which one strange soldier asks another.

EVENING

This afternoon I was down by the river washing my clothes. While there the 27th Mass. came to the bank and discharged their rifles. The Lt. Col. hallooed to all in the hollow to come up. The 25th and 23rd followed the 27th and also discharged

their rifles. When they were doing it, I was in a hollow near the regiment and some of the bullets came pretty low. Finally an order was read by Captain Lawrence that death was the penalty for anyone discharging his rifle.

This afternoon there was an inspection in camp. While the 25th were in line, a letter from the General was read to them for their steadiness in Monday's battle. They cheered lustily.

THURSDAY, MAY 12

Last night after taps an order came for the men to prepare themselves with two days' rations for a march in the morning. I was awakened by Sergt. Williams who told me that I, fully equipped, was detailed to report to Lt. Swain immediately to guard ammunition train. I said that I was sick and was excused and Crowell was detailed in my place. Shortly after daybreak the boys marched.

It has rained incessantly all day. How I pity the boys tonight! They will have to lie out in this storm. Men returning to the camp from the regiment report that they have gone toward Richmond. As there has been cannonading all day from that direction it is probably that there has been an engagement.

A Confederate courier was captured this morning. He had a dispatch from Beauregard to another general, stating that if he could check the Union troops until 4:00 P.M. he would send him re-enforcements. A Confederate colonel was also captured. Somehow he got between our cavalry and infantry.

Nearly half the regiment were left behind in camp. Many of the boys like myself are completely used up.

FRIDAY, MAY 13

Another stormy day. Orders came to send one day's rations to the regiment. All the meat drawn for us who remained in camp was also sent. We do not think this is exactly fair. Because a man is sick is no reason to believe that he can get along with eating nothing.

A couple of negroes from Chesterfield Court House stopped

near the camp. They told about an arms' foundry 12 miles west of Richmond which our cavalry intend to destroy.

Thomas who returned from the regiment this evening says that there are only two brigades at the front. The enemy made several charges today but were repulsed.

Saturday, May 14

This morning we were notified that more men were wanted at the front. Each man was asked if he could go. Thirteen started off, among them Rose of Co. K. Had I felt able I would have gone too. I have been feeling lonely and comfortless. I would be more at home if I were at the front with the regiment. While I write, a band nearby is playing patriotic airs.

The N.Y. papers praise Butler for his success. "The Newark Daily Advertiser" says that Butler holds the key to Richmond. I wonder if he will unlock it.

Sunday, May 15

Lt. Shefferd, who came from the front last night, returned with a squad of convalescents, Sergt. Bryant among them. Lt. Townley came in this morning. He was wounded in the left arm. Charles Williams of Co. K passed through camp in an ambulance, with a fractured elbow. Both were struck while the company was skirmishing. Lt. Townley returns tomorrow morning and will take with him all who can go.

(Note: There is no entry for May 16, probably because Ed Cleveland was too sick to write.)

Tuesday Morning, May 17

At daybreak yesterday we could hear the booming of cannon and the crackling of musketry at the front. It continued for several hours. At about 10:00 A.M. the wounded began to come in.

The first news we heard was that all of Heckman's brigade had been captured. It appears that during Sunday night the brigade was moved from the centre to the extreme right. They constructed an abattis of fallen trees among which they stretched telegraph wire, high enough to trip men up.

Co. H was stationed in a house in the advance with orders to hold it at all hazards. The boys on picket saw the Confederates making preparations to move and heard the cavalry being given orders to charge on both sides of the house. They brought the information to Captain Lawrence and suggested an immediate return to the regiment, but he refused even to send a messenger to Col. Zabriskie.

At 5:00 A.M. dense columns of the enemy charged past the house, driving on Co. H pell mell. At the same time the right and left of the brigade were attacked. The abattis proved a good obstacle, the enemy stumbling over the wires received a warm reception from our boys.

The fog was so thick that it was hard to distinguish friend from foe. Our boys fought until they had fired all their ammunition. Finding themselves hard pressed and in danger of being surrounded, they retreated in confusion. Many were captured. The line was reformed many times but it did not hold. They fell back to their old position. Here were 12 pieces of artillery. They held the position until they were relieved by some of the 10th Corps. Stragglers and wounded men kept coming in to camp all day.

After dark Sergt. Townley asked me and others who felt able to go on reserve picket. About 50 of us marched a quarter of a mile from camp and stacked arms to the left of the road near a marsh, on a line with details of the 12th N.H. and other regiments. When we returned to camp in the morning we found that the regiment had returned with Captain Hufty in command.

Tuesday Evening

We fell in at 10 o'clock and with all equipment marched to a field near the Appomattox, not far from our first camping ground. Our regiment is formed in double column. Doran, Decker, Wilson and I have our tents together, making a roomy apartment.

Details of yesterday's engagement are being told. When the colors were in danger of being captured, Sergt. Meyers ripped the regimental flag from its staff and wrapped it around

his body. Corp. Smith did the same with the State flag. Neither standard, however, was lost. Gen. Heckman is missing, either killed or a prisoner. When last seen Lt. Wheeler, a staff officer, was with him. The lieutenant was severely wounded. The rest of the brigade staff are here safe as are also the brigade colors.

Col. Lee of the 27th was killed, Col. Zabriskie of the 9th and Lt. Col. Chambers of the 23rd, severely wounded. Adj. Carroll and Captain Harris were killed and Capt. Lawrence and Lt. Brown, severely wounded. Many of the 9th, including Captain Kissam, Lt. Drake, and twenty men, including Corp. Ben Gale (died, Andersonville, Ga. August 15, 1864) of Co. D were captured. Peer, Simmonds and Kneller of Co. K were also captured. The 25th Mass. lost their regimental colors and the 23rd their state colors.

A Confederate prisoner says that a force of three brigades, under Gen. Archibald Gracie, formerly of Elizabeth, attacked our brigade Monday.

I was detailed by Bryant for fatigue but was too ill to go.

WEDNESDAY, MAY 18

This morning I answered Surgeon's Call. I was told to come back in an hour for a dose of quinine. When I returned the quinine had not yet been received. I asked Dr. Davis for the quinine and he asked me why I was not with the regiment. I told him I did not feel well enough. He told me to return to him after a while. I have been over there since but still no quinine. It seems as though men who always try to do their duty are treated the worst when they are sick.

Officers and men of the regiment are working hard throwing up entrenchments. I would help them if I were able.

Occasional artillery fire continues. Tonight the gunboats and monitors are bombarding Fort Darling. Every few minutes they throw a shell.

THURSDAY, MAY 19

Mr. Davis gave me a quinine powder this morning with orders to take it immediately and go to work on the entrenchments. I found our boys at work on breastworks to the left

of the road. The line extends along the irregular crest of the hill and extends, I suppose, from the Appomatox to the James. Different regiments are at work all along the line. We have moved our tents and are now encamped in our part of the fortifications.

The 148th N.Y., 2nd and 10th N.H. are on our right and the other regiment of our brigade on our left. The whole forms a very strong position.

I have written Peer's wife and Gale's father informing them of Tunis and Ben being taken prisoners.

FRIDAY, MAY 20

Shovellers were taken off the entrenchment at 9 o'clock last night. At 11:00 A.M. we were routed out and drawn up in line behind the breastwork. It seemed that firing was heard on our right and we were held in readiness for an attack. We were kept in line a half an hour and then returned to quarters. At 2:00 A.M. we were again turned out; continual volleys of musketry being heard. At 4:00 A.M. we were drawn up behind the breastworks and in a dense fog remained there until breakfast. The firing has continued ever since. A gun-boat has opened up on an enemy battery above here. Shortly after dinner the companies formed and stacked arms in front of the tents and hung their accoutrements on them. Men were ordered not to leave camp on any pretext whatsoever.

Captain Townley is about to start for the hospital with all his duds. We think he will leave tonight and take with him his colored boy, Shadrach.

Three years ago today I was sworn into the service, Co A, 2nd N.J.V. But I guess that the men of that regiment will not be discharged now, if Grant's order is still in effect.

EVENING, 6:30 P. M.

We have just received orders to march at a moment's notice with one day's rations.

EVENING, 8:00 P. M.

The marching orders have been countermanded.

Saturday, May 21

As usual we were aroused at 4:00 A.M. to stand in line behind the breasworks for an hour. Last night the gunboats shelled the woods near Walthall Point until a late hour. We watched the bombardment and could see the flash of the discharge of the cannon and the burst of the shell, both before we heard the report of the cannon and the explosion of the shell.

As Co. K's part of the entrenchments is finished, it has been a day of idleness for us. All we have done is to clean our rifles.

Late Richmond newspapers say Gen. Heckman is their prisoner safe in Libbey Prison.

George Bryant informs me that last Monday all the Massachusetts' regiments left the field before our regiment did. When the Ninth formed line the second time they had many stragglers in their ranks. By firing and falling back gradually our boys drew the Confederates to the mouth of a dozen loaded cannon hid behind a knoll. When our boys were out of range, the cannon opened up on the enemy who at the same time received the cross-fire of a regiment on the right. They then retreated.

Sunday, May 22

Last night I was on reserve picket. We were stationed behind a small earthwork about 500 yards in front of the breastwork.

At about eleven o'clock firing commenced at the centre, on the 9th's left. Not more than a volley came from both sides, when the artillery opened. We got in line in a hurry. We recived orders to fall back to our brigade breastwork and to halt in the intrenchment. A few minutes later "the ball opened." A gunboat in the river commenced blazing away. We could see the shells pass through the air.

The bombardment lasted for an hour. In the midst of it an immense flash lit up the scene. It was the explosion of a rebel caisson, at which our boys set up a loud cheer. We

rested our arms behind the breastworks for the remainder of the night.

Ward of Co. K strolled toward the centre today where he could see some Confederates working on a battery. He was arrested as a spy or deserter, but when he proved that he belonged to the 9th, he was released.

For a wonder, the darky, Shadrach, returned to the company Friday evening.

MONDAY, MAY 23

Sergt. Bryant aroused me this morning and said that I was one of a detail to report to Lt. Grover, Co. A. There were six of each company, forming a fatigue squad. We were marched to a fort being constructed near the signal station. We worked in the red clay soil until 6:00 P.M. Then we marched to camp and were served a ration of whiskey. We had a ration of bitters in the morning.

Later I visited Belger's Battery and had a talk with one of the boys. In Monday's engagement they lost two brass Napoleons. One of their limber chests exploded.

I also visited the camp of the 2nd U.S. (Colored) Cavalry. I saw there a "Gatling Gun" known as a "Mosquito Battery." The gun has six rifled barrels, twice as heavy as those of a Springfield rifle. The breach is like that of a mountain howitzer. On the left is a "hopper" like that of a coffee mill for the reception of cartridges. The balls (nearly twice as heavy as our ammunition) are set in metallic percussion cases. The concern is worked by a crank and will fire 220 shots a minute.

(Note: This portion of the 10th Corps was consolidated with the 18th Corps. The enlarged organization was taken by transport to White House on the Pamunkey River to re-enforce the Army of the Potomac and so to take part in the Second Battle of Cold Harbor.)

Last night four of the regiment "deserted" to the enemy. They have four days' rations in their haversacks and are to find out all they can. Those who are lucky enough to get back safely will each receive $500. Howell of Co. H is among the number.

Gen. Butler and staff visited the fort on which we have been working, making a minute examination of everything.

Brig. General Martindale now commands the Second Division.

Two agents of the U.S. Christian Commission were around today, distributing religious pamphlets and papers.

Tuesday, May 24

Along with five others of Co. K I have been working all day with a fatigue detail. We have been constructing an abattis in front of our breastworks.

There is a rumour afloat that we are soon to go to South Carolina. There are many cock and bull stories around, among them that rebel sharpshooters are being posted in trees for the express purpose of shooting Gen. Butler and that the one who does it will be well rewarded.

Wednesday, May 26

We were notified today to prepare for brigade inspection which comes off tomorrow. Many of us tried to get the rust off our rifles but only scratched the surface.

This morning I had my hair bobbed off—"a la Hinton"—the popular style at present.

Thursday, May 26

This morning I was detailed on the fort squad and worked hard until noon. The regiment is very small at present, Co. K having only nine men.

The news of the death of Col. Zabriskie reached the regiment this afternoon. Never was anyone more greatly mourned. He was a brave officer and a good soldier. We will never have another Colonel like him.

On Picket Friday Noon, May 27

Last evening a large detail of pickets went out—I among the number. Part of the detail was left above here under the command of Lt. Runyon. The rest of us, under the command of Lt. Rogers, marched to the shore of the Appomatox. Berry, Guth, Moran, Townley and I were directed to act as corporals. The boys with me are Gordon, Howell, Davis and Valentine, all of Co. H. The orders are to shoot anyone who attempts to cross the marsh.

This morning we were notified that the brigade is under heavy marching orders.

EVENING

We relieved from picket at 10:30 A.M. When we returned to camp the boys had the tents struck and packed. Companies of the 2nd U.S. (Colored) Cavalry arrived and were deployed behind the breastworks. They carry breach loading carbines. Some of the boys thought it was hard on them to build breastworks for darkeys to fight behind.

Soon the brigade formed line. We followed a road leading to the right and have now encamped at a place, several miles from the place where we started. A large portion of the 18th Corps and the 10th Corps are near us. The camp tonight presents a beautiful sight—a sea of lights as far as the eye can reach.

IN MEMORIAM
RUSSELL BRUCE RANKIN

The sudden and premature death of Russell Bruce Rankin on June 26, which on personal grounds has brought sorrow to the hearts of a multitude of friends, is to the New Jersey Historical Society an inestimable loss.

Son of the late Edward S. and Julie S. T. Russell Rankin, he was born in Newark February 16, 1889. After attending Newark Academy he entered Amherst College from which he was graduated in 1912. In 1916 he entered the service of the City of Newark with the old Planning Commission, and upon its abolishment was appointed Secretary to the Board of Adjustment. This position he occupied until the time of his death.

On March 3, 1919, Mr. Rankin became a Contributing Member of this Society, and in 1944, in recognition of his long and devoted service, was elected a Life Member. From 1943 to 1946 he occupied the office of Recording Secretary, a task he undertook with enthusiasm, bringing to it a well-furnished and cultured mind and a fixed determination that the highest practicable standards of accuracy should be maintained. During his tenure as a Trustee, from 1943 until his demise, he served

with distinction on many important committees, ever ready to advance the Society's usefulness by wise counsel and enthusiasm for its aims.

Acknowledged as one of New Jersey's outstanding genealogists, he was a member of the American Society of Genealogists, National Genealogical Society, and one of the founders of The Genealogical Society of New Jersey. Until the time of his death he was Editor of the latter organization's quarterly publication, *The Genealogical Magazine.*

Mr. Rankin was a member of the Third Presbyterian Church of Newark, a trustee of St. John's Lodge No. 1, F& AM., a member of the New Jersey Society, Sons of the American Revolution, and the Municipal Career Men's Club.

It is fitting that we should record Mr. Rankin's personal qualities as they were revealed to the trustees and members of our Society in their frequent contact. His was a sterling character. Its genuineness was reflected in his demeanor at all times, his high minded sense of duty, his kindness, his understanding and his wholesome good-fellowship.

The Board of Trustees extends to his widow and to the members of his family, an expression of its sincere sympathy in the great loss that they, in common with the Society, have suffered through his death.

—Elmer T. Hutchinson

IN MEMORIAM
ALLISON DODD

In the death of Allison Dodd the New Jersey Historical Society has lost a liberal patron, a devoted and capable former officer and trustee, and an interested friend, whose contributions to the Society have been outstanding over a period of more than twenty years.

He was born in West Bloomfield, now Montclair, New Jersey, August 23, 1864, the son of Thomas C. and Annie Cowl Dodd and a direct descendant of Daniel Dodd, one of the group from Milford, Connecticut, which founded Newark in 1666. He died at his home in Bloomfield July 8, 1949, in his 85th year

after a full life of marked usefulness in business, in social, in civic, and in religious activities. His interest in the records of the past attracted him to the work of this Society and he became a member July 11, 1927. He was elected a trustee October 2, 1933, continuing to serve in that capacity until his last illness forced him to withdraw September 5, 1948. He was elected second vice president April 19, 1944, and first vice president November 14, 1945, serving in the latter capacity until November 29, 1947, when he resigned because of his health. His business acumen was recognized in his appointment as chairman of the Finance Committee in November 1944 in the unsettled conditions attendant on the war and it was under his capable chairmanship that the disposal of the Society's West Park Street property was completed. He resigned as chairman of the Finance Committee after two years' service in November 1946.

As liberal with his means as with his talents, he supported the new building program of the Society generously. Proud of his family heritage in the community, he compiled a genealogy of the descendants of Daniel Dodd and had it printed and distributed at his own expense. Modest in the positions of prominence he was called on to fill, sound of judgment, loyal to his friendships, his influence was felt throughout his community and his personality endeared him to his friends and associates. His various contributions to the work of the New Jersey Historical Society were of great value and in his death the Society has suffered severely.

NOW THEREFORE, in token of our appreciation of his services and of our sense of loss in his going,

BE IT RESOLVED that we, the Trustees of the New Jersey Historical Society, at a meeting held July 13, 1949, do spread this minute on the records and send a copy thereof in sympathy to Mr. Dodd's family.

—William A. Ellis

NECROLOGY OF MEMBERS

DR. HENRY C. BARKHORN, one of Newark's most prominent physicians and surgeons, died of a heart attack at his home in Newark, July 27, 1949, at the age of 63. He had been suffering from a heart ailment for several weeks and had just resumed seeing patients at his office where he had practiced for 28 years.

He was born in Newark, the son of Charles H. and Jennie Hodson Barkhorn. He attended St. Mary's School and St. Benedict's Preparatory School and was graduated from Cornell Medical School in 1907. He interned at Bellevue Hospital, New York, and studied at the University of Vienna before opening his practice in Newark in 1909. An eye, ear, nose, and throat specialist since 1917, Dr. Barkhorn was affiliated in that capacity with many North Jersey hospitals. He was staff otologist and member of the board of trustees at Newark Eye and Ear Infirmary, and otologist and member of the executive committee at Presbyterian Hospital, Newark. He headed the ear and throat services at the City Hospital, Newark, at the Essex County Isolation Hospital in Belleville, and for many years until recently at Beth Israel Hospital. He was a consultant at Babies' Hospital and St. Barnabas' Hospital in Newark, at Mountainside in Montclair, St. Mary's in Orange, Fitkin Memorial in Neptune, and the Passaic General and the Hackensack Hospitals. He was chief of head surgery at St. James' Hospital.

Dr. Barkhorn had been president of the Essex County Medical Society in 1931, of the Academy of Medicine of Northern New Jersey, 1937-38, of the Practitioners' Club of Essex County, 1931-32, of the Doctor's Club, 1921-22, and of the Cornell Medical Alumni Association, 1931-32. For 19 years he headed the publications committee of the Medical Society of New Jersey. In 1944 he was awarded the Edward J. Ill Award by the Academy of Medicine of Northern New Jersey as "a man of wisdom, a talented surgeon, an eminent citizen." He had also served on the board of the Newark Welfare Federation and of the Essex County Tuberculosis League.

He is survived by his wife, Mrs. Mariette Louise Gless

Barkhorn, two sons, Henry C. Barkhorn, Jr., of Short Hills, and Richard E. Barkhorn, of New York, two daughters, Miss Janet Louise and Miss Mariette, both of Newark, and a brother, Dr. Charles W. Barkhorn, of Newark.

Dr. Barkhorn became a contributing member of the New Jersey Historical Society, December 5, 1927, and a life member, February 3, 1930.

NEAL BASSETT, former president of the Firemen's Insurance Company of Newark, died at his home in New York City, May 4, 1947, at the age of 76.

Born in Huntsville, Alabama, in 1871, he was a direct descendant of Richard Bassett, a signer of the Constitution from and owner of "Bohemia Manor." His grandfather, John Bassett, studied medicine under Sir William Osler at Johns Hopkins, and his father was a practicing physician of Huntsville. Educated in private schools, Mr. Bassett at twenty years of age took a job in Waco, Texas, with the Fire Association of Texas. In 1899 he became special agent covering eight states from Pennsylvania to Texas for a string of insurance companies managed by Adolph Loeb, of Chicago. In 1901 he became western agent for the Firemen's of Newark with headquarters at Chicago. In 1910 he became manager of the western department of the Firemen's which had been opened on his recommendation. He was elected vice president of the company in 1914 and president in 1923, resigning in 1934. He moved to Winterthur, Switzerland, returning to New York in 1936 to act as United States Manager of the Accident and Casualty Company of Switzerland, a position he occupied until 1941.

Mr. Basset never married and after the death of his only brother, Wells Bassett, his nearest of kin were cousins. At the time of his death, his nearest relative was a cousin, Lenore Bassett Young Turnbull, (Mrs. Edward Turnbull) of New York City.

Mr. Bassett became a contributing member of the New Jersey Historical Society, September 10, 1923.

FRED L. CRANE, chairman of the board of directors of the Elizabeth Daily Journal and previously its publisher for a quar-

ter of a century, died August 16, 1949, in Muhlenberg Hospital, Plainfield, after a lingering illness. He was 61 years old.

Mr. Crane was born in Elizabeth, February 12, 1888, the son of Augustus S. Crane and a member of an old Elizabeth family. He prepared for college at Stevens Preparatory School and was graduated from Stevens Institute of Technology in 1910 with an M.E. degree. He joined the staff of the Journal in 1920 as assistant business manager, and on the death of his father in 1923 succeeded him as president and publisher. He continued in that capacity until 1948, when his son, Robert C. Crane, became publisher and Mr. Crane became chairman of the board.

His wide interests touched many lines of activity in the community. He had been a member of the board of managers of the Union County Savings Bank since 1923 and a vice president since 1935. He was a director of the Elizabethport Banking Company, a member of the board of trustees of Evergreen Cemetery, a trustee of the Elizabeth Y.M.C.A., and had been president and director of the Chamber of Commerce Hotel Company which operates the Winfield Scott Hotel. He had been president of the Rotary Club and was a permanent term elder of the First Presbyterian Church, one of the few persons who held that post for life. He previously had served as trustee of the church and long had been its clerk of session. When the First Church burned in 1946, he had the permanent church records in his possession, which probably saved them from destruction. Always interested in history, he assisted Princeton University in the compilation of its history, particularly its early association with Elizabeth.

Mr. Crane had served as president of the New Jersey Press Association, had been chairman of the New Jersey section of the Associated Press and a member of the National Editorial Association, the American Society of Newspaper Editors, and the American Newspaper Publishers Association. He was a member and former vice president of the Elizabethtown Chapter of the Sons of the American Revolution, a member of Washington Lodge 33, F. & A. M.; St. John's Commandery, 9; Knights Templar; Washington Chapter, 16, R. A. M.; Adoni-

ram Council, 9, R. & S. M.; New Jersey Consistory, Valley of Jersey City; Salaam Temple, A. A. O. N. M. S.; Masonic Club of Elizabeth, and the Elizabeth Lodge of Elks. He had been a lifelong resident of Elizabeth until 1947 when he moved to Cranford.

Beside his son, Robert C. Crane, he is survived by his wife, Mrs. Gwen Kershner Crane, a daughter, Mrs. Robert E. Graef, of Elizabeth, a sister, Mrs. Helen C. Weber, of Summit, and three grandchildren.

Mr. Crane became a contributing member of the New Jersey Historical Society, July 11, 1927.

ALLISON DODD, retired banker and former vice president of the New Jersey Historical Society, died at his home in Bloomfield, July 8, 1949, at the age of 84, after an illness of two years.

He was born August 23, 1864, in West Bloomfield, now Montclair, the son of Thomas C. and Annie (Cowl) Dodd and the last of their eight children. He was a direct descendant of Daniel Dodd, one of the group from Milford, Connecticut, who founded Newark in 1666. He started business with the Lehigh Coal and Navigation Company in 1881, later being associated with F. A. Potts Company, coal commission merchants of New York City. He was president of the Hudson Coal Company from 1898 until 1905 when it was consolidated with Burns Brothers.

He entered the banking field as a director of the Bloomfield Trust Company, becoming its president in 1917 and continuing as president and later chairman of the board of the Bloomfield Bank and Trust Company, a consolidation in 1929 of the Bloomfield Trust Company with the Bloomfield National Bank. He was also a director and vice president of the old Coal and Iron National Bank of New York, a director of the Fidelity Trust Company with which it merged in 1925, and a director of the Marine Midland Trust Company, with which the second named bank merged. In 1915 he acquired control of the E. H. Davey Company, binders' board manufacturers of Bloomfield, which he merged in 1923 with the W. O. Davey & Sons Company of

Jersey City to form the present Davey Company of which he was chairman of the board. He was a director of the American Insurance Company and of the Mutual Benefit Life Insurance Company, both of Newark, chairman of the board of the Fairlie and Wilson Coal Company of Newark, and since 1907 a director of the Gamewell Company. He served for more than twenty years as treasurer and trustee of the Bloomfield College and Seminary, had been for over fifty years a member of the Board of Managers and for twenty-five years president of the Bloomfield Cemetery Company, was a trustee of Mountainside Hospital of Montclair, and for ten years a member of the National Board of Missions of the Presbyterian Church. He was a lifelong member of the First Presbyterian Church of Bloomfield. He served for more than twenty-five years as a member of the Essex County Park Commission, for seven years as its president. During the first World War he was chairman of Liberty and Victory Loan drives. In 1940 he published the genealogy of the Daniel Dodd family.

His wife, Mary Van Winkle Dodd died in February, 1944. He is survived by two sons, E. Davey Dodd, of Glen Ridge, and John A. Dodd, of Bloomfield, two daughters, Mrs. Moses H. Teaze, of Bloomfield, and Mrs. Paul R. Miller, of Montclair, ten grandchildren, and six great-grandchildren.

Mr. Dodd became a contributing member of the New Jersey Historical Society, July 11, 1927. His long and intimate association with the society is set forth in the memorial of him, printed in this same issue.

MRS. CAROLINE THORN KISSEL, widow of Gustav E. Kissel, New York investment broker, died at her home near Morristown, July 30, 1949, at the age of 91.

She was born in New York City, the daughter of Mr. and Mrs. William Thorn and the granddaughter of Commodore Cornelius Vanderbilt. Her husband, who died in 1911, was one of the founders of the firm of Kissel, Kinnecutt, and Company, investment bankers. Active in charitable organizations of the city, Mrs. Kissel was for many years president of the Samaritan Home for the Aged and had been associated with the

Sunnyside Day Nursery. She was the organizer and former president of the Garden Club of New Jersey. She was a member of the Colonial Dames and of the Colony Club of New York. In former years, she had been active in the Girl Scout movement and had opened her home to Girl Scout troops from Morris County.

Mrs. Kissel is survived by a son, W. Thorn Kissel, of New York City, and three daughters, Mrs. Edwin S. S. Sunderland, of New York City and Morristown, Miss Louise Kissel of New York City and Lakeville, Conn., and Lady Pease, wife of Sir Richard Pease, of Richmond, England. She also leaves eight grandchildren, the Countess of Inchcape, wife of the Earl of Ayrshire, of Ayrshire, Scotland, Richard Thorn Pease and Derrick Alix Pease, of Richmond, England, Mrs. Charles Scribner, Jr., of Far Hills, Edwin S. S. Sunderland, Jr., of Morristown, Mrs. Louis Starr, of Far Hills, and W. Thorn Kissel, Jr., and Peter Francis Freeman Kissel, of New York City.

Mrs. Kissel became a life member of the New Jersey Historical Society, March 1, 1926, and a patron member in 1929.

RUSSELL BRUCE RANKIN, of 88 Abington Avenue, Newark, secretary to the Newark Board of Adjustment, died at his summer home in Mantoloking, June 26, 1949, at the age of 60.

Mr. Rankin was born in Newark, the son of the late Edward S. and Julia (Russell) Rankin. He attended Newark Academy and was graduated from Amherst College in 1912. He entered the service of the city of Newark in 1916, first with the old Planning Commission and later as secretary to the Board of Adjustment, and remained there until his death. His father, who was chief engineer of Newark's division of sewers and secretary to the Essex-Union Joint Meeting, died in March, 1945.

A member of the Third Presbyterian Church of Newark, Mr. Rankin was a trustee of St. John's Lodge F&A.M., a member of the New Jersey Society, Sons of the American Revolution, and Municipal Career Men's Club. He was also a member of the American Society of Genealogists, the National Geneal-

ogists Society, a founder of the New Jersey Genealogists Society, and editor of the Genealogist Magazine of New Jersey.

He is survived by his wife, Mrs. Frances Dodd Rankin, a son, William, a daughter, Mrs. Elwood Throssell, a sister, Miss Edith Rankin, and one grandchild.

Mr. Rankin became a contributing member of the New Jersey Historical Society, March 3, 1919. His subsequent work as an officer and trustee of the Society is set forth in a memorial to him, printed elsewhere in this issue.

DONATIONS TO THE MUSEUM

June 1st—July 10th, 1949

Mrs. E. M. Barradale, South Orange, N. J.: Revolutionary cannon ball which had been shot into a house in Springfield, N. J., by the Hessians.

Mr. William H. Black, Newark, N. J.: Old lock from a pre-Revolutionary house, corner Elm and Mulberry Streets, Newark, N. J.; peg from the steeple of the First Presbyterian Church, Elizabeth, N. J., found when the steeple was blown down in 1899; wrought iron sugar hammer, used, when sugar came in loaves, to break off a piece of sugar; marriage slippers, 1793; yellow kid slippers, 1820; two Sperm Whale teeth, 1830; two hand-made rope chest handles, 1830; two pieces New York State Indian bead work; nineteen old coins; ivory handled umbrella cane, c. 1850.

Mr. Charles Burnet Bradley, Convent, N. J.: Colored print of Winslow Homer's painting, "Long Branch," c. 1880.

Miss Elizabeth Condict Carter, Newark, N. J.: Wedgewood mug, #77, of a limited edition, sold by William H. Plummer & Co. to commemorate the first visit in history of their Majesties, King George and Queen Elizabeth of England to these United States in the year 1939; Large white painted mantel which originally had been in the house on Park Place, Newark, N. J., that Elisha Boudinot built in 1797

and was purchased by Stephen Hayes Condict, Miss Carter's grandfather, in 1850; pair of child's brown leather gloves, c. 1900.

Miss Lillian Coons, Montclair, N. J.: Two packs of modern Russian playing cards, marked on box, "anti-religious."

Gloucester County Historical Society, Woodbury, N. J.: Large pewter trencher; large wrought iron grub hoe; wrought iron broad axe; four hand made nails; iron ring spike; nine brass headed pins; two shoe buckles; pair of scissors; part of a horse's bit. These articles were part of a pre-Revolutionary cargo to the Colonies. The ship which carried them was sunk in the Delaware Bay and in 1948 was discovered during dredging operations.

Miss Sara Hardham, Newark, N. J.: American flag, 34 stars; Civil War frigate pennant; collection of old underwear.

Mrs. John R. Hardin, Jr., Newark, N. J.: Lady's hat, 1928; lady's hat, 1941.

Mr. George Harris, New York City, through Harris Upham & Co., Newark, N. J.: Oil portrait of Alfred Lewis Dennis of Newark, N. J.

Mrs. H. W. Hassinger, South Orange, N. J.: Victorian change purse; pair undersleeves, c. 1910.

Estate of Louise Morse Parmele, Orange, N. J., through Mrs. Russell Colgate: Black taffeta wrap, c. 1870; black grosgrain wrap, c. 1930; embroidered white muslin skirt, c. 1900; black dress, 1900; black silk scarf, c. 1890; two embroidered net caps, c. 1850; two embroidered handkerchiefs; photograph of Mrs. Howard L. Parmele, neé Louise Livingston Morse, taken in 1862. Mrs. Parmele was the niece of Samuel Finley Breeze Morse and the mother of Louise Morse Parmele.

Mr. Neville Russell, East Orange, N. J.: Scenic post card of East Orange in 1907.

Mrs. J. B. R. Smith, Summit, N. J.: Framed photograph of large hair wreath which Mrs. Smith had presented to this Society in 1948.

Miss Wallace, Newark, N. J.: Photograph of the members of the North End Club, Newark, N. J., taken about 1890.

Mr. C. L. Wallace, East Orange, N. J.: Six plastic badges, each commemorating the launching of a ship during World War II.

NEW MEMBERS

The Membership Committee announces the following new members since the publication of the last issue of the *Proceedings*:

LIFE MEMBER

George C. Rockefeller, Denville

CONTRIBUTING MEMBERS

Mrs. Archer W. Bachman, South Orange
John Hutchinson Cook, Trenton
Mrs. J. L. Edwards, Teaneck
Harold I. Meyer, M. D., Chicago, Illinois
William Y. Pryor, Verona
Mrs. William Reenstra, Fullerton, Pa.
Carrol M. Shanks, Newark
Miss Gladys Weyant, Caldwell

DONATIONS TO THE LIBRARY

Wm. H. Black, Newark: Collection of pamphlets and books.

K. C. Bovey, Minneapolis, Minn.: Van de Mark or Van der Mark Ancestry: Koon and Coons families of Eastern New York.

James Emery Brooks, Glen Ridge: His Book: Alexander Chambers of Philadelphia—1949.

H. G. Coddington, Lowville, N. Y.: Genealogical data relating to the Coddington and allied families.

Capt. Thos. A. Enloe, Falls Church, Va.: His compilation: The Enloe-Enlow family.

Miss Eleanor G. French, Montclair: History of the Dey family. Copy of the will of Dirck Jause Dey.

E. Robin Little, Summit: Summit's Story, a Chronicle for the City of Summit on its 50th Anniversary, 1949.

Hon. Donald H. McLean, Trenton: The Republican Party of New Jersey. Campaign of Nineteen hundred.

National Archives, Washington, D. C.: National Archives Guide, 1948.

New Jersey Agricultural Society, Trenton: History of the New Jersey State Board of Agriculture, 1872-1916.

Mrs. John S. Osborne, New Canaan, Conn.: Collection of old Newark High School items belonging to the late Henry C. Hines.

Miss Laura E. Piccole, Newark: Collection of Manuscripts connected with the Piccole family.

William Y. Pryor, Verona: His compilation: The New Jersey Bos, Bosch, Bush family. Ms.

Dr. Anna R. Schults, Newark: Genealogical and Family History of the State of Connecticut. 4v. 1911.

H. S. Vassar, Bloomfield: Collection of old books.